

CLARK COUNTY
CODE OF REGULATIONS

ESTABLISHED BY:
CLARK COUNTY BOARD OF COMMISSIONERS

DRAFT 10-2017

Originally Adopted on _____

These Regulations are subject to changes at any time.
Please contact the County Commissioners to determine if any changes have been made to date.

**INDEX FOR
REVISIONS TO THE
CLARK COUNTY WATER AND SEWER REGULATIONS
AS ORIGINALLY ADOPTED ON _____**

| Revision No. | Date | Resolution No. | Revisions |
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DRAFT 10-2017

CLARK COUNTY WATER AND SEWER REGULATIONS

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CLARK COUNTY WATER AND SEWER REGULATIONS

CHAPTER 1 GENERAL PROVISIONS

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101. PURPOSE OF COUNTY UTILITY DEPARTMENT.

The Clark County Utility Department (hereinafter, the "County") is organized in accordance with Chapter 6103 and 6117 of the Ohio Revised Code (hereinafter, "RC") for the purpose of:

101.01 Supply water to Users within the County.

101.02 Provide for the collection of Waste Water within the County.

102. PURPOSE OF REGULATIONS.

To establish guidelines, policies and penalties for the safe, efficient, and sound fiscal operation of the water and wastewater collection and treatment system owned by the County in accordance with R.C. 6103.02(C) and R.C. 6117.01(D).

103. GOVERNING REGULATIONS.

In the event of any conflict between these Regulations and the requirements of the Ohio EPA, the documents providing the highest or most stringent requirement, criteria, standard or rule Shall govern.

104. DEFINITIONS.

Unless the context specifically indicates otherwise, the following words and phrases when used in these Regulations Shall have the meaning defined below:

104.01 "Act" The Federal Water Pollution Control Act, also known as the Clean Water Act and Public Law 92-500, as amended, 33 U.S.C. 1251, et. seq.

104.02 "Applicable Pretreatment Standard" Pretreatment limit or prohibitive standard (federal and/or local), deemed to be the most restrictive, with

which non-domestic Users are required to comply.

- 104.03 "Authorized Representative of Industrial User" (1) A principal executive officer of at least the level of vice president, if the industrial User is a corporation; (2) a general partner or proprietor if the industrial User is a partnership or proprietor, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.
- 104.04 "Average Monthly Discharge Limitation" The highest allowable average of 'daily discharge' over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month.
- 104.05 "Average Weekly Discharge Limitation" The highest allowable average of 'daily discharge' over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during the week.
- 104.06 "Beneficial Uses" Includes, but it not limited to, domestic, municipal, agricultural, industrial, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible and intangible, as specified by state or federal law.
- 104.07 "Billing Address" The address at which the customer who is contractually liable for utility services receives billings from the County. Billing addresses may, but need not, be the address at which said services are received.
- 104.08 "Biodegradable" Any material that is easily amenable to breakdown to less complex compounds by biological process present in the County sewer systems. The County Shall determine whether a material is biodegradable if such determination is required.
- 104.09 "Biochemical Oxygen Demand" ("B.O.D.") The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in parts per million (ppm) or milligrams per liter (mg/l) by weight.
- 104.10 "Building" Any structure, or part of a building or structure, whether or not constructed for human habitation.
- 104.11 "Carbonaceous Biochemical Oxygen Demand" The quantity of oxygen utilized in the biochemical oxidation of organic matter not including nitrification under standard laboratory procedure in five (5) days under 20 degree centigrade expressed in terms of weight and concentration (milligram per liter). Laboratory procedures Shall be in accordance with

the latest edition of Standard Methods for the Examination of Water and Wastewater.

- 104.12 "Chemical Oxygen Demand" (COD) The quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedures, expressed in terms of parts per million by weight in accordance with procedures set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater.
- 104.13 "Combined Sewer" A sewer intended to receive both wastewater and storm or surface water.
- 104.14 "Commercial User" Any aggregation of space, office, laundry, restaurant, stores, taverns, shops, or other like units, which is equipped with one or more water fixtures draining into the wastewater disposal system, separate and distinct from other users of service.
- 104.15 "Connection or Tap" The installing of a service line from private property to the County's collection sewers or water distribution lines.
- 104.16 "Consumer" Any person who is the ultimate residential user of utility services provided by the County, such as a tenant, who is not the Owner of the service address.
- 104.17 "Consumer Household" The service address where a consumer resides.
- 104.18 "Cooling Water" The water discharged from a condensation, air conditioning, cooling, refrigeration, or other system, but free from odor or oil, and containing no polluting substances which could produce B.O.D. or suspended solids each in excess of ten milligrams per liter (10 mg/l).
- 104.19 "Cost" The expenditures made by the County for labor, material, engineering, supervision, motor vehicles, and tools, and any other expenditures incident thereto, required in any project undertaken by the County, including cost of land, land rights and other personal and real property owned by the County necessary to construction, maintenance, repair, and operation of water and sewer systems.
- 104.20 "County" Clark County, Ohio, acting through its duly authorized officials and employees
- 104.21 "County System" That portion of a system of waterlines, sewers, treatment facilities, and associated equipment and materials which is owned by the County.
- 104.22 "Customer" Any person who receives utility services provided by the County as the Owner of the property at the service address. A customer may, but need not, be a consumer of the services provided. A tenant is considered a customer when they have entered into a Tenant Service Agreement with the County.

- 104.23 "Daily Discharge" The discharge of a pollutant measured during a calendar day or any 24 hour period that reasonably represents the calendar day for purposes of sampling.
- 104.24 "Day" Calendar day, unless specifically noted as a business day (Monday through Friday, excluding holidays).
- 104.25 "Developer" A person, firm, or corporation that presumes to excavate or fill, build structures, or otherwise make Improvements (to a specific parcel or tract of land.
- 104.26 "Development Agreement" An agreement which a Developer is required to enter into with the County whenever a Developer seeks to construct or develop a development.
- 104.27 "Development" The improvement of a tract(s) or parcel(s) of land.
- 104.28 "Director" The Director of the Clark County Utilities Department or their authorized representative.
- 104.29 "Distribution Lines or Mains" The waterlines owned by the County for distributing potable water to service lines for use by the property Owner.
- 104.30 "Domestic Use" The use of water and sewer services related to normal household activities only.
- 104.31 "Easement" An acquired legal right for the specific use of land owned by others.
- 104.32 "Foundation Drains" Subsurface drains laid around the foundation of a building, either within or outside of the building foundation, for the purpose of carrying ground or subsurface water to some point of discharge.
- 104.33 "Garbage" Solid wastes from the preparation and dispensing of food, and from the handling, storage, and sale of produce.
- 104.34 "Improvements" Any addition to the natural state of land which increases its value or utility, including Buildings, street pavements with or without curbs and gutters, sidewalks, crosswalks, water Mains, Sanitary Sewers, Storm Sewers, landscaping, street lighting, public utilities, paved parking areas, and other appropriate items.
- 104.35 "Industrial Wastes" The liquid, gaseous or solid wastes resulting from any process of industry, manufacturer, trade, or business, or from the development, processing, or recovery of any natural resource which will pollute any water it enters. Such wastes are distinct from domestic or sanitary Wastes.
- 104.36 "May" "May" is permissive (see "Shall").

- 104.37 "Natural Outlet" Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- 104.38 "Organic" Containing carbon compounds or produced in living organisms.
- 104.39 "Owner" All individuals, partnerships, associations, corporations or political subdivisions holding any title or interest in any property rights, Easements and interest in any real property served or which May be served by a County system.
- 104.40 "Parcel" A specific part of a larger acreage of land.
- 104.41 "Person" Any individual, firm, company, association, partnership, society, corporation or group, whether an Owner or a contractor.
- 104.42 "pH" The reciprocal of the logarithm of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen-ion concentration of 10^{-7} .
- 104.43 "Plat" A plan of a Tract or Parcel of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines, and such other information as is required by law.
- 104.44 "Pollutant" The dredged spoil, solid waste, incinerator residue, wastewater, garbage, wastewater sludge, munition, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, domestic, and agricultural waste discharged into water.
- 104.45 "Pollution" The placing of any noxious or deleterious substances in any waters within the County or affecting the properties of any waters within the County in a manner which renders such waters harmful or inimical to the public health, or to animal or aquatic life, or to the use of such waters for domestic water supply, industrial or agricultural purposes, or recreation.
- 104.46 "Potable Water" Water treated for human consumption. Non-Potable Water is not meant for human consumption.
- 104.47 "Premises" A Tract of land, platted or unplatted.
- 104.48 "Pretreatment" The process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater prior to introducing such pollutants into the County's wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical, or biological processes, process changes or other means, except as prohibited by these Regulations.
- 104.49 "Publicly Owned Treatment Works" (POTW) All County owned facilities

for the collection, treatment and disposal of wastewater.

- 104.50 "Sanitary Sewer" A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, and to which storm, surface and ground waters are not legally admitted.
- 104.51 "Service" Providing an Owner with potable water as well as disposal of waste water without regard to the extent of use made thereof. The availability of potable water is called "water Service." The availability of waste water disposal is called "sewer service."
- 104.52 "Service Address" Any address at which utility service is furnished. The singular may include the plural. Most service addresses will be individually metered. However, in apartment buildings, apartment complexes, duplex apartments, etc., one meter may supply more than one household. In such circumstances, each individual apartment is a separate service address as that term is used herein.
- 104.53 "Service Line" The line owned by the Owner that extends from a County system over the Owner's premises or lot. Normally, the water service line begins at the County curb stop valve and the sanitary sewer service line begins at the sewer main.
- 104.54 "Sewage" Any substance that contains waste products, excrement, or other discharge from the bodies of human beings or animals, which will pollute any water it enters.
- 104.55 "Sewer System" The waste water facilities or system. A County sewer system Shall be that part of the waste water system owned, operated, and maintained by the County.
- 104.56 "Sewer" A pipe or conduit for conveying storm water, ground water, non-polluted water, sewage or industrial waste water.
- 104.57 "Shall" "Shall" is mandatory (see "May").
- 104.58 "Storm Sewer or Storm Drain" A sewer which carries storm and surface waters or drainage, but that excludes sewage and polluted Industrial wastes.
- 104.59 "Storm Drainage System or Drainage System" All facilities, structures, natural water courses, outlets, waterways or streams, swales or ditches, and sewers which carry storm water, ground water, surface water, subsurface drainage water, cooling water or unpolluted industrial process water.
- 104.60 "Suspended Solids" Solids that either float on the surface of, or are in suspension in, water, sewage or other liquid, and which are removable by laboratory filtering.

- 104.61 "System Components" All water or sewer lines, service lines, valves, manholes, pipes, fittings, fixtures, vaults, pits, treatment equipment and machinery, buildings, booster stations, lift stations, storage tanks and towers, and appurtenances thereto which are a part of or connect to the water system or sewer system.
- 104.62 "Toxic" Being capable of adversely affecting any organism upon assimilation or exposure.
- 104.63 "Tract" A continuous expanse of land.
- 104.64 "User" Any person or property who discharges, causes, or permits the discharge of wastewater into the waste water system.
- 104.65 "Utility Service" The provision of water and/or sewer Service by the County.
- 104.66 "Waste" Useless, unneeded or superfluous matter which is discarded such as ashes, garbage, process by-produce, or Sewage.
- 104.67 "Waste Water Facilities or System" The facilities for the purpose of treating, neutralizing, disposing of, stabilizing, cooling, segregating, or holding waste water, including without limiting the generality of the foregoing, facilities for the treatment and disposal of sewage or industrial waste and the residue thereof, facilities for the temporary or permanent impoundment of waste water, both surface and underground, and sanitary sewers and other systems, whether on the surface or underground, designed to transport waste water, together with the equipment and furnishings thereof and their appurtenances and systems, whether on the surface or underground, including force mains and pumping facilities.
- 104.68 "Waste Water" Any water containing Sewage or industrial Waste or other pollutants or contaminants derived from the prior Use of such water.
- 104.69 "Water System" All of the facilities acquired for supplying, treating, pumping, and distributing water. A County water system Shall be that part of the water system owned, operated and maintained by the County.
- 104.70 "Watercourse" A channel in which a flow of water occurs, either continuously or intermittently.
- 104.71 "Waterline" A pipe or conduit used to distribute water to the customer's premises.
- 104.72 "Water Treatment Plant" Any arrangement of devices and structures used for treating water to a potable condition.

105. PROVISION OF WATER OR SEWER SERVICE BY OTHERS.

Except for private lines serving only a single residence or Parcel of land, Water and Sewer Lines, plants, fixtures and all appurtenances thereto and located in the County Shall be installed and constructed, only in accordance with plans and specifications, by such contractors, suppliers and material men, as are approved by the County, and no public or private organization or political subdivision Shall have authority to approve, construct or install such lines without the express written consent and approval of the County.

106. CONSTRUCTION AND TRANSFER OF SYSTEM COMPONENTS

106.01 OWNER TO BEAR THE COST

Any Owner or Developer wishing to develop a lot, Tract or Parcel of ground and wishing to connect Improvements constructed thereon to the County's Systems Shall bear all of the costs incidental to the construction and installation of the water and Sewer System components. Said construction and installation Shall be done in accordance with these regulations.

106.02 PROVISION FOR EXTENSION OF SYSTEMS

Any Owner or Developer wishing to develop a lot, Tract, or Parcel of ground and wishing to connect said Improvements constructed thereon to the County's Systems, Shall be required to construct as part of said Improvements such Systems components as the County Shall direct at the Owner's or Developer's expense.

106.03 OFFSITE CONSTRUCTION OF COUNTY SYSTEMS

The County does not guarantee that it will have Water or Sewer System Components available to any Parcel or Tract of ground within the County. In the event that an Owner or Developer constructs or installs Systems components outside the area being so developed, said installation and construction Shall nonetheless be done in accordance with these regulations. Further, all said installation and construction Shall be at the expense of the Owner or Developer, unless otherwise agreed to in writing by the County.

106.04 CONVEYANCE OF SYSTEMS COMPONENTS BY OWNER OR DEVELOPER

- A. Prior to the time that the County begins to render Sanitary Sewer or water Service to any Owner or Developer of property, the Owner Shall convey to the County, without additional consideration from the County, all of the System components and Easements which are or are caused to be acquired, installed or constructed by the Owner and which are reasonably required in order for the County to provide sanitary sewer or water service to the Owner's property, except that the Owner Shall not convey any part of the service lines connecting the individual dwellings or

buildings with the sanitary sewer mains or lines or waterlines.

- B. All personal property conveyed pursuant to this Regulation for sanitary sewer or water service Shall be conveyed by the duly executed Bill of Sale conveying all rights, title and interest of Owner and all Easements and land rights of way Shall be conveyed by duly executed Deed of Easement or recorded plat. Such conveyances of personal property Shall convey Ownership free of liens. Such conveyances Shall grant to the County good title to the Easements, free and clear of all rights of dower and all liens, Easements, restrictions, conditions, covenants and encroachments, except the liens of real estate taxes and assessments and any Easements, restrictions, conditions, covenants and encroachment which would not prohibit or unreasonably interfere with the installation, operation, maintenance and repair of one or more sanitary sewer liners or mains or waterlines and those defects which County is willing to waive.
- C. At the time of conveyance described in this Regulation, the Owner Shall assign to County all obligations or warranties whether express or implied, created by law or by contract, by manufacturers, contractors and vendors of the personal property comprising the sanitary sewer or water system within the Owner's property , to the extent the same may be assignable. Owner agrees that it will fully cooperate with County in enforcing any warranties given by or claimed against all manufacturers, contractors and vendors of the personal property so conveyed, provided that any costs or expenses in connection therewith Shall be borne by the County. Owner will not knowingly waive any such warranties which it obtains.

107. SEPARATION OF SYSTEMS.

All water, drainage and sewer systems are separate and distinct systems. No person Shall connect any two systems together in any manner that could cause waste water to enter the water or drainage systems. All water systems Shall be protected in all locations and all times from the siphoning, back flow, gravity flow, or pressure flow of waste water or drainage water into any part of the water system, regardless of whether any portion of the water system has a positive or negative pressure applied to it.

108. ACCESS TO PROPERTY.

Any duly authorized representative of the County bearing proper credentials and identification Shall be permitted to enter upon all properties for the purpose of inspecting, reading, and maintaining meters, or to disconnect Services, or for the purpose of measuring, sampling, testing, and investigating how water or sewer systems are being used in accordance with the provision of the Regulations.

109. POWERS AND AUTHORITY OF INSPECTORS

- A. An employee of the County Utilities Department bearing property credentials and identification Shall be permitted to enter all properties for the purpose of, but not limited to, inspection, observation, measurement, sampling, testing, repair and maintenance of any portion of the Sewer System lying within such property. All entry and subsequent work, if any, on such property Shall be done in full accordance with the terms of the Owner as agreed to by the County.
- B. While performing the necessary work on private properties, the County Shall observe all safety rules applicable to the premises established by the Owner and the County.
- C. An employee of the County Utilities Department bearing proper credentials and identification Shall present them to the Owner, agent or present occupant of the properties within the County before entering for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions contained herein. The County Shall also obtain and present a proper search warrant if the Owner, agent, or occupant requests one. A request by the Owner, agent or present occupant that the County obtain a search warrant is an exercisable right of the requesting party and Shall not constitute failure to cooperate nor Shall it constitute a failure to comply with the provisions herein.
- D. The County Shall have no right to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond the point of having a direct bearing on the kind and source of discharge into the sewers or water ways to facilities for waste water treatment.
- E. Information furnished to the County with respect to the nature and frequency of discharge Shall be available to the public or other governmental agencies unless the discharger specifically requests and demonstrates, to the satisfaction of the County, that release of such information would divulge information, processes, or production information. When requested by the discharger, the portion of a report which may disclose trade secrets or secret processes Shall not be made available to the public but Shall be made available upon written request to governmental agencies for uses related to these Regulations, the NPDES permit, state disposal system permit and/or pretreatment programs; provided, however, that such portions of a report Shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Waste constituents and characteristics will not be recognized as confidential information. Information accepted by the County as confidential Shall not be transmitted to any governmental agency by the County until and unless a ten (10) day notification is given to the discharger.

110. GENERAL TERMS.

- 110.01 In the interest of public health and for the protection of its property, the County will not permit Use of its Water or Sewer Systems or any systems components, for anything other than County approved Uses.
- 110.02 The County undertakes to use reasonable care and diligence to provide adequate Water and Sewer Service. The County Shall not be liable for a deficiency or failure, regardless of cause, in the supply of Water or Sewer Service or for any damage caused thereby, or for the bursting or breaking of any main or service lines or for any damage caused thereby, or for failure of electrical power supply, or for equipment failures, or failure of other facilities used by the County or for any damage caused thereby, if the County is without willful default or negligence on its part.
- 110.03 When application is made to the County for Water or Sewer Service, or for the reinstatement of Water or Sewer Service, the County Shall be entitled to assume that the piping and fixtures to which the Service will be supplied are in good order, will be maintained in good order, and will be operated properly. The County will not be liable for any accidents, breaks, leakage or other harmful events resulting in any way from the supplying of Water or Sewer Service to faulty piping or fixtures, or improperly operated piping or fixtures.
- 110.04 The County Shall have the sole right to determine the size, type, construction materials and methods, and location of Service Lines and Connections necessary to give the service for which application has been made.
- 110.05 Operating control of all County Water and Sewer Systems and the Connections thereto is vested in and Shall at all times remain with the County, and Shall not be trespassed on or interfered with in any manner.
- 110.06 The liabilities and responsibilities for proper Use of, and payment for, the Water and Sewer Service is the obligation of the Owner unless approved otherwise by the County in accordance with these Regulations.

111. MALICIOUS MISCHIEF.

No person Shall maliciously, willfully, or negligently break, damage, destroy, deface, cover, or tamper with any part of the County's Water or Sewer Systems. Any person violating this provision Shall be subject to immediate arrest and subject to criminal penalties and fines pursuant to R.C. Section 2909.07 or any other applicable criminal statute, in addition to any repair and/or replacement costs resulting from such activity and the penalty provisions at Section 199 herein.

112. CHARGES FOR DAMAGES TO WATER OR SEWER SYSTEMS.

When any person causes an obstruction of, or damage to, or any other impairment to any part of the County's Water or Sewer System or the treatment process, a charge Shall be levied by the County against the Owner from whose premises the damage originated or, if no

premise is involved, the responsible person. The charges Shall be for the cost of the work required to clear and/or repair the part of the Water or Sewer System or reestablish the treatment process affected by said damage. The County Shall add such charge to the usual service charges, surcharges, and fees, and bill the responsible person. Failure to pay the bill within thirty (30) Days of its receipt Shall subject the person to the provisions of Section 199 of these Regulations.

113. DISCONTINUED SERVICE.

113.01 In accordance with the termination procedure provided in Chapter 4 of these Regulations, the County may discontinue all or any part of its service to any customer as set forth therein.

114.01

114. AMENDMENTS, CHANGES.

The County reserves the right at any time to alter, amend or add to these Regulations.

115. NOTICE.

A notice of violation of any provision of these Regulations Shall be deemed served by the County with issuance of a written citation stating the nature of the violation, signed by the authorized representative of the County, and delivered to the last known address of the person causing the violation by regular U.S. mail, private delivery company, or by an employee of the County.

116. VALIDITY

116.01 All regulations or resolutions or parts thereof in conflict with these Regulations are hereby repealed.

116.02 The invalidity of any section, clause, sentence or provision of this Regulation Shall not affect the validity of any other part of this Regulation which can be given effect without such invalid part or parts.

117. PRIORITY.

No statement contained in these Regulations Shall be construed to interfere with any additional requirements that May be imposed by the Ohio Environmental Protection Agency ("OEPA") or the Ohio Department of Health.

118.-198. RESERVED

199. REMEDIES.

Whoever violates any provision of these Regulations or County directives pursuant to these Regulations Shall be subject to the remedies allowed by these Regulations and any other applicable laws, including criminal laws, liability for the cost of damages and/or repairs incurred by the County, having Service discontinued, being disconnected from the Water or Sewer System, and/or be denied future permits for so long as the violation continues.

- 199.01 Any Person found to be violating, or in violation of any provisions of these Regulations Shall be served by the County with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender Shall, within the period of time stated in such notice, permanently cease all violations.
- 199.02 There Shall be a service charge to investigate, notify, or discontinue water service as a result of fraud or illegal diversion of water, including unauthorized commencement of services, or any other violation of the Rules and Regulations. Such charge Shall be as stated on the County's Deposit, Fee and Charge Schedule.
- 199.03 Where the violation is criminal or potentially criminal in nature, no notice under this section is required. Such matter Shall be referred to the appropriate investigatory authority.

CLARK COUNTY
WATER AND SEWER REGULATIONS

CHAPTER 2
SEWER SYSTEM REGULATIONS

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| 201. Purpose. | 209. Grease, Oil and Sand Interceptors. |
| 202. Scope. | 210. Monitoring and Flow Measurement Facilities. |
| 203. Governing Regulations. | 211. Discharge Reports. |
| 204. Definitions. | 212. Public Record. |
| 205. Prohibited Discharges. | 213. Protection from Accidental Discharge. |
| 206. Storm Water and Obstructions Prohibited in Sanitary Sewers. | 214-298 Reserved |
| 207. Connection with County's Sewer Required | 299. Remedies |
| 208. Determination of Acceptability or Unacceptability of Discharge. | |

201. PURPOSE.
To regulate the use of the sewer system owned and operated by the County.

202. SCOPE.
This chapter establishes the discharge criteria for the sewer systems, and the procedures for handling discharges which fail to meet the established criteria.

203. GOVERNING REGULATIONS.
Where there appears to be, or there is in fact, a conflict between this chapter and CHAPTER I, GENERAL PROVISIONS, the chapter providing the more stringent requirement, standard, or procedure Shall govern.

204. DEFINITIONS.
The definitions of CHAPTER 1 Shall be Used in this chapter unless the context of any section of this chapter specifically indicates that such definitions are not applicable.

205. PROHIBITED DISCHARGES.
No Person Shall release or cause to be released or allow to run, leak, or escape into the County's sewer system any discharge containing any materials or substances considered by the County to be toxic or to be in any way deleterious to any part of the County's Sewer System or treatment process. Certain materials Shall by their nature be considered by the County to be toxic or deleterious. Such materials or substances Shall include, but not be limited to:

- A. Ashes, cinders, construction materials, fat, feathers, fur, glass, metal, mud, plastic, rags, sand, shavings, straw, tar, wood, or any solid or viscous

substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system;

- B. Any liquids, solids or gases, including but not limited to gasoline, kerosene, benzene, naphtha, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the structure or operation of the sewer system or waste water treatment facilities, including, but not limited to, materials with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test method specified in 40 C.F.R. 261.21;
- C. Steam or hot water above 150 degrees Fahrenheit (65 degrees Celsius), or any other liquid, solid or gas which would cause the Sewage temperature in the County System to be higher than 104 degrees F (38 degrees Celsius);
- D. Any water or waste containing petroleum Oil, nonBiodegradable cutting oil or products of mineral origin in sufficient quantities to pass through or interfere with County operations, or, at the discretion of the County, water or wastes containing fats, wax, grease, or oil regardless of origin, and whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 33 degrees and 150 degrees Fahrenheit (1 degree and 65 degrees Celsius);
- E. Any waters or wastes having a pH lower than 5.0 or higher than 12.5 or having any other corrosive property with the potential to cause damage or hazard to structures, equipment of the County system, or personnel employed in its operations;
- F. Coal tar, its derivatives and wastes;
- G. Any liquids or wastes containing toxic or poisonous substances in sufficient quantities or rates of flow as to injure or interfere with any of the sewage treatment process, to constitute a hazard to human beings or animals, or to create any hazard in the receiving waters. Maximum limits for such materials May be established by the County but the maximum so established should not be construed as necessary to establishing the civil liability of the offender;
- H. Brine from gas, oil, or water well drilling operations;
- I. Any water or Wastes that are derived from the manufacture or blending of products containing certain bioaccumulative chemicals of concern (BCCs) or that are brought into a facility for the purpose of reclamation, recovery, or treatment of these chemicals, which include but may not be limited to: chlordane, 4,4'-DDD (p,p'-DDD, 4,4'-TDE, p,p'-TDE), , 4,4'-DDE (p,p'-DDE), 4,4'- DDT (p,p'-DDT), dieldrin, hexachlorobenzene, hexachlorobutadiene (hexachlor-1,3-butadiene), hexachlorocyclohexanes (BHCs), alpha-hexachlorocyclohexane (alpha-BHC), beta-hexachlorocyclohexane (beta-BHC), delta-hexachlorocyclohexane (delta-BHC), lindane (gamma-hexachlorocyclohexane, gamma-BHC), mirex, octachlorostyrene, PCBs

polychlorinated biphenyls), pentachlorobenzene, photomirex, 2,3,7,8-TCDD (dioxin), 1,2,3,4-tetrachlorobenzene, 1,2,4,5-tetrachlorobenzene, toxaphene;

- J. Any Garbage that has not been properly shredded to a degree that all particles will be carried freely under the flow conditions of the sewer and with no particle greater than one-half inch in any direction. The installation and operation of any garbage grinder with a motor of 1 Hp or larger Shall be subject to approval of the County;
- K. Any wastes or water containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the County treatment plant, or any substance which May cause the County treatment plant effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;
- L. Any noxious or malodorous gas or substance capable of creating a public nuisance or hazard to life, or substance causing the release of noxious or poisonous gases after discharge into the Sewer System;
- M. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not;
- N. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limited which May be established by the County as necessary, after treatment of composite sewage, to meet the requirements of Federal, State or other public agencies of jurisdiction for such discharge to the receiving waters, and which May cause the County treatment plant to violate its NPDES permit and/or other disposal system permits;
- O. Any radioactive wastes or isotopes of such half-life or concentration as May exceed limited established by the County in compliance with applicable Federal or State regulations;
- P. Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharges to the receiving waters;
- Q. Materials which may exert or cause:
 - a. Unusual concentration of inert suspended solids such as, but not limited to, Fullers earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 - b. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
 - c. Biochemical oxygen demand, suspended solids, or chlorine requirements in such concentrations as to constitute a load on the

County treatment works greater than expected from normal domestic wastewater characteristics.

d. Unusual volume of flow or concentration of wastes constituting slugs.

R. Any pollutant or wastewater which will interfere with the operation or performance of the County treatment plant; or,

S. Any other material, in any form, which is prohibited from discharge by federal, state regulations.

206. STORM WATER AND OBSTRUCTIONS PROHIBITED IN SANITARY SEWERS.

206.01 All Owners are prohibited from the following:

A. Discharging, causing to be discharged or permitting to be discharged any storm water, ground water, surface water, roof water runoff, subsurface drainage water, Cooling Water or unpolluted industrial process waters into a Sanitary Sewer of the County;

B. Installing, causing to be installed or with knowledge thereof, permitting to exist a Sewer Tap pipe or other obstruction which protrudes into or otherwise obstructs a Sanitary Sewer line of the County;

C. With knowledge thereof, causing or permitting to exist whether from a tree or other vegetation on such property, a root obstruction in a Sanitary Sewer or Service Line of the County; or,

D. As used herein, knowledge Shall be presumed upon Service of written notice as stipulated in Section 115.

206.02 Storm water, surface drainage, subsurface drainage, ground water, roof runoff, cooling water and all other unpolluted drainage Shall be discharged to such Sewers as are specifically designated as Storm Sewers or to a Natural Outlet approved by the local authorities. Industrial Cooling Water or unpolluted processed waters May be discharged, on approval of the local authorities, to a Storm Sewer or Natural Outlet.

207. CONNECTION WITH COUNTY'S SEWER REQUIRED

207.01 The Owner of any house, building, or properties used for human occupancy, employment, recreation, or other purposes, situated within the area under jurisdiction of the County and abutting to any street, alley, or right of way in which there is now located, or May in the future be located, a public Sewer System of the County, Shall, at the Owner's

expense, install suitable toilet facilities therein and connect such facilities directly to the public Sewer System, in accordance with these Regulations, within ninety (90) days after date of official notice to do so, provided that such street, alley, or right of way is within 200 feet of the foundation walls of such house, building, or other property at all usable for human occupancy.

- 207.02 If Connection to the Sewer System, as provided above, is not complete within ninety (90) days after the date of official notice to do so, the County Shall proceed to make such Connection at the expense of the Owner and assess it upon the property. After said ninety (90) day period has elapsed, the County Shall charge the Owner the applicable charges in effect and Shall collect the same according to these Regulations.

208. DETERMINATION OF ACCEPTABILITY OR UNACCEPTABILITY OF DISCHARGE.

The County Shall determine the acceptability or unacceptability of any discharges to the Sewer System. Such determination Shall be made on the basis of sound engineering and operational evaluations taking into consideration the nature and concentration of the discharge, its point of entry into the System, its compatibility with the treatment Facility receiving it, and all other factors pertinent to the effect of the discharge on any part of the System or treatment process.

- 208.01 FACTORS INDICATING UNACCEPTABLE DISCHARGE –
Unacceptable discharges Shall include those which have been determined by the County to:

- A. Contain materials or substances that May constitute a hazard to life and limb of personnel engaged in inspection, maintenance, and operation of the System;
- B. Contain materials or substances that May be Toxic as defined in Section 104.62 herein;
- C. Contain materials or substances that May be in any way deleterious to any part of the System;
- D. Contain concentrations of any Toxic or deleterious materials or substances in excess of any limits set thereon in accordance with this Chapter;
- E. May cause the County to incur additional or extraordinary expense in the handling or conveyance thereof;

- 208.02 Upon determination that an existing or proposed discharge is unacceptable, the County May:

- A. Refuse Sewer Service to the Owner whose Premises is

discharging or who is proposing to discharge unacceptable Waste and furthermore May order the removal of such discharges from the Sewer System, including the physical removal of Connection to the System;

- B. Require pretreatment of the unacceptable discharge by equipment or procedures acceptable to the County; and/or
- C. Require payment in an amount determined by the County, to compensate for added Costs of handling, treating or disposing of the Wastes.

208.03 When pretreatment is to be Used by a County Customer, the Customer Shall:

- A. Conform to Chapter 11 of these Regulations pertaining to Industrial Pretreatment.

208.04 The County May order removal of the unacceptable discharge from the Sewer System and assess Costs at any time prior to pretreatment implementation, during pretreatment implementation, if unsatisfactory progress or operation is evident, or if necessary to protect the Sewer System from damage.

209. GREASE, OIL AND SAND INTERCEPTORS.

209.01 Grease, oil and sand interceptors Shall be provided by the Owner when, in the opinion of the County, they are necessary for the proper handling of liquid Wastes containing grease in excessive amounts, or any flammable Wastes, sand and other harmful ingredients. All interceptors Shall be of a type and capacity Approved by Ohio Plumbing Code and the County Shall determine on a case by case basis whether additional requirements are necessary.

209.02 Where installed, all grease, oil and sand interceptors Shall be maintained by the Owner, at its expense, in continuously effective operation at all times. The County May require the Owner to certify cleaning of interceptors on forms provided by the County with a service bill as proof of cleaning. Certification of cleaning to the County by the Owner shall be required at a frequency required to demonstrate compliance.

210. MONITORING AND FLOW MEASUREMENT FACILITIES.

Installation of Waste Water monitoring and/or flow measurement facilities necessary to inspect, monitor, sample and test the amounts and characteristic of the Waste Water discharges May be required of any Owner by the County. A plan for proposed monitoring and flow measurement facilities Shall be submitted to the County for approval within sixty (60) Days of receipt of request for installation. The installation Shall be completed within

ninety (90) Days of the County approval.

- 210.01 A. Monitoring facilities and/or flow measurement facilities required by the County Shall be constructed, operated, and maintained at no Cost to the County.
- B. The entire Facility Shall be maintained at all times in a safe and proper operating condition by the Person installing the Facility and/or causing the discharge that is being monitored and/or measured.
- C. Access to the monitoring and/or flow measurement facilities Shall be made available immediately to authorized representatives of the County at any time.
- D. Authorized representatives of the County Shall have the right to and Shall be provided with adequate space necessary to set up and operate additional monitoring equipment at such facilities.
- 210.02 The monitoring Facility Shall be located as to be readily accessible at all times to representatives of the County. Access Shall not be obstructed by parked vehicles, supplies or equipment or any other object or Person which might prevent accessibility.

211. DISCHARGE REPORTS.

The County May require any Person discharging or proposing to discharge Waste Water into a Sewer System to file discharge reports, on forms supplied by the County. The discharge reports Shall include, but not be limited to, the nature of process, volume and rates of flow, production quantities or any other information that relates to the generation of Waste including substances and concentrations in the Waste Water discharge. Such reports as required by the County May also include the chemical constituents and/or quantity of liquid gaseous materials stored on site even though they May not normally be discharged. Discharge reports May be required at such intervals as determined by the County to be adequate to define changes in Waste Water discharge characteristics. In addition to discharge reports, the County May require information relating to permit applications and self monitoring reports.

212. PUBLIC RECORD.

All information and data obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections on any Person or on the quantity or character of any Waste Shall be available to the public only to the extent required by law.

213. PROTECTION FROM ACCIDENTAL DISCHARGE.

- 213.01 Each Owner and resident of the County Shall provide protection from accidental discharge into a Sewer System of any Wastes prohibited by these Regulations. Such required protection Shall include, but not be limited to, walls or dikes, separate storage, removal of drain lines from

locations where significant quantities of prohibited materials are maintained or other appropriate procedures to assure the prevention of such discharge into a Sewer System.

- 213.02 Plans for installation of such control facilities or operating procedures Shall be submitted to the County for approval prior to construction or at the time such control facilities are found to be necessary by either the Owner or the County. The review and approval of such plans and operating procedures Shall not relieve any Person of responsibility for preventing the discharge of unacceptable materials into a Sewer System. Any Person in charge of or responsible for the process, activity or function that causes, generates or produces a prohibited Waste Shall notify the County immediately upon the accidental loss or discharge into a Sewer System of prohibited materials, substances or Waste in order to enable countermeasures to be taken to minimize damage to the Sewer System and/or the receiving waters. Such notification will not relieve the responsible Person of liability for any consequential expense, loss or damage to the Sewer System or the receiving waters ecology. Failure to immediately notify the County upon knowledge of such prohibited discharge Shall subject the responsible Person to the remedies allowed by law.

214-298. RESERVED.

299. REMEDIES.

Whoever violates any provision of this Chapter or County directives pursuant to this chapter Shall be subject to the remedies of Section 199 REMEDIES of these Regulations.

CLARK COUNTY
WATER AND SEWER REGULATIONS

CHAPTER III
WATER SYSTEM REGULATIONS

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| <p>301. Purpose.</p> <p>302. Scope.</p> <p>303. Governing Regulations.</p> <p>304. Definitions.</p> <p>305. Prohibited Use.</p> <p>306. Protection From Accidental Contamination or Damage.</p> <p>307. Unauthorized Activities.</p> | <p>308. Water Meters.</p> <p>309. Obstructions Prohibited In Waterlines.</p> <p>310. Connection With County's Waterlines May Be Required.</p> <p>311. Water Use Restriction.</p> <p>312-398. Reserved.</p> <p>399. Remedies.</p> |
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301. PURPOSE.
To regulate the Use of the Water System owned and operated by the County.

302. SCOPE.
To establish the criteria for the Use of the Water System.

303. GOVERNING REGULATIONS.
Where there appears to be, or there is in fact, a conflict between this chapter and CHAPTER 1, GENERAL PROVISIONS, the chapter providing the more stringent requirement, standard, or procedure Shall govern.

304. DEFINITIONS.
The definitions of CHAPTER I Shall be used in this chapter unless the context of any section of this Chapter specifically indicates that such definitions are not applicable.

305. PROHIBITED USE.
No Person Shall connect any pipe line or conduit which directly or indirectly connects the County Water System to:

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| 305.01 | Any pipe, Waterline or conduit containing, or intended to contain any liquid or material that would be or could be injurious to the Owner's or any Person's health or welfare, injurious to the Water System, or contaminate the water provided by the County; |
| 305.02 | Any private well System or other private source of water, or any System of liquid conveyance such as Sewers, drains or tiles; |
| 305.03 | Any pond, lake, pool, or any devices therein, without County Approved Backflow protection; or, |
| 305.04 | Any System that serves Buildings other than the Buildings for which the |

Service was obtained.

306. PROTECTION FROM ACCIDENTAL CONTAMINATION OR DAMAGE.

Each Person Shall protect the portion of a Water System on their Premises or that which they are using from damage or contamination. Any Person in charge of or responsible for a process, Use or activity that causes or produces damage, or adds compounds, elements or materials to the water, or otherwise contaminates the water in the County Water System Shall immediately notify the County. Such notification Shall not relieve the responsible Person of liability for any consequential expense, loss or damage to the Water System, or injury or disease to Person(s) using the water Service.

307. UNAUTHORIZED ACTIVITIES.

No Person Shall cause, permit or add any material additives or compounds to the water provided by the County without obtaining prior County approval.

308. WATER METERS.

All new construction, whether said construction is located inside or outside the boundaries of Clark County, Shall have installed at the Owner's expense an individual water meter for each point of Connection to the County's System. The water meters are the property of the County and May be changed, maintained and altered solely at County discretion. Upon notification by a Customer of a suspected faulty or inaccurate meter the County Shall test and replace the meter if needed. If the replaced meter is accurate within the manufacturer's limits, the County May assess a replacement charge. A suspected inaccuracy or faulty meter is not grounds for non-payment of a bill.

309. OBSTRUCTIONS PROHIBITED IN WATERLINES.

All Owners are prohibited from installing, causing to be installed, or with knowledge thereof, permitting a Tap pipe or different line or other obstruction which protrudes into or otherwise obstructs a Waterline of the County. As used herein, knowledge Shall be presumed upon Service of written notice as stipulated in Section 115.

310. CONNECTION WITH COUNTY'S WATERLINES MAY BE REQUIRED.

The Owner of any real property located within Clark County May be required to connect to the County Water System so as to prevent or abate Pollution and protect the health and property of Persons in the County.

311. WATER USE RESTRICTIONS

The County May determine it necessary to impose various water conservation measures, including restrictions or bans on outside watering. If such measures are imposed, whoever violates such measures Shall be subject to the remedies of Section 199 PENALTY of these Regulations.

312-398. RESERVED.

399. PENALTY.

Whoever violates any provision of this Chapter or County directives pursuant to this chapter Shall be subject to the remedies of Section 199 PENALTY of these Regulations.

CLARK COUNTY
WATER AND SEWER REGULATIONS

CHAPTER 4
CONNECTIONS, FEES, PERMITS AND BILLINGS; SERVICE TERMINATION

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| 402. Governing Regulations. | 418. Property Owner Liability. |
| 403. Definitions. | 419. Emergency Repairs. |
| 404. Application For Service. | 420. Service Termination Policy. |
| 405. Deposits, Fees & Charges; County Review. | 421. Delinquency. |
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| 407. Connection To The Water And Sewer Systems. | 423. Disconnection Procedures. |
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| 409. Sewer Connections, Fees, And Deposits. | 425. Disconnection & Reconnection Fees, Restoration of Service. |
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| 411. Water Meters, New Installation. | 428. Voluntary Termination. |
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| 414. Repair of Service Lines. | 431-498. Reserved. |
| 415. Utility Service Charges. | 499. Remedies. |
| 416. Bill and Payment for Services. | |

401. PURPOSE.

To establish the procedures, requirements, and Costs for connecting to and making Use of the County water and Sewer Systems.

402. GOVERNING REGULATIONS.

Where there appears to be, or there is in fact, a conflict between this chapter and other chapters of these Regulations, the chapter providing the more stringent requirement, standard, or procedure Shall govern.

403. DEFINITIONS.

The definitions in CHAPTER 1 Shall be used in this Chapter unless the context of any section of this Chapter specifically indicates that such definitions are not applicable.

404. APPLICATION FOR SERVICE.

All applications for Water or Sewer Service Shall be made on forms provided by the County. Each application Shall state truly and fully the Uses to be made of Water or Sewer Service. A separate application for Service May be required for each premise. Each application must be signed by the Owner of the Premises to be supplied Water or Sewer

Service. A new County account must be opened each time the property changes Ownership.

405. DEPOSITS, FEES AND CHARGES; COUNTY REVIEW.

405.01 The Board of County Commissioners Shall establish the deposits, fees and charges for the Connection to and Use of the County Water and Sewer Systems. These deposits, fees and charges Shall be listed in Appendix A of these Regulations, and be known as the County's Deposit, Fee and Charge Schedule (hereafter, "County Deposit, Fee and Charge Schedule") which Shall be Approved by the Board of County Commissioners. The County Deposit, Fee and Charge Schedule effective on the date a deposit, fee or charge is required Shall govern the amount of the deposit, fee or charge.

405.02 The County May review and revise the Connection, Service and other charges (as contained in the County Deposit, Fee and Charge Schedule) as necessary to ensure that adequate revenues are generated to pay the Costs of debt retirement, operation, maintenance and replacement, , and that the water and Sewer System continues to provide the proportional distribution of operation, maintenance, and replacement Costs among Users and User classes.

405.03 Each new account Shall be required to sign an Owner or Tenant Service Agreement for County Utility Services. Prior delinquent balances for a Customer or tenant (or member of the Consumer Household) must be paid prior to the opening of a new account.

405.04

406. REFUNDS.

406.01 Where there is a credit balance on a Customer's County Account, such credit amount Shall customarily be credited to the Customer's next County bill. County Customers May, alternatively, request a refund when there is a credit on their account of more than five dollars (\$5), or when terminating their County account.

406.02 Upon account termination, if there is a balance due, any credit balance Shall be used to offset the amount owed and any remaining outstanding balance due will be billed to the Customer.

406.03 Customers who have terminated their County account and have a credit balance on such account Shall receive a refund from the County in the amount of any unused balance. The refund Shall be issued to the Customer at their Billing Address, unless the Customer provides a consent to have the refund issued to another Person or to another

address.

- 406.04 In the event that the account is terminated, and the County is unable to refund such unused balance due to lack of address or any other reason, such balance will be held in an interest bearing account for no longer than three (3) years. At the end of said three (3) year period, such sum Shall be transferred to the County's general operating fund and utilized by it for any County purpose.

407. CONNECTION TO THE WATER AND SEWER SYSTEMS.

- 407.01 All Connections Shall be made and maintained in accordance with County specifications and standards. No Person Shall:

- A. Construct or connect a Service Line to a County System until a permit has been issued by the County;
- B. Connect a Service Line to more than one Building or Facility without the prior approval of the County;
- C. Install, cause to be installed or, with knowledge thereof, permit to exist a Connection, Tap pipe, or other obstruction which protrudes into or otherwise obstructs a County Sewer or water line; or,
- D. Connect any source of storm, surface or ground water into a County System or a Service Line.

- 407.02 Permanent Irrigation Systems: Permanent irrigation Systems May be Serviced by a master meter located in a meter pit or in an utility service room . The size of the meter and/or meter pit would be determined by the size of the area to be irrigated. A Backflow prevention device is also required for such System (See Chapter 9).

- 407.03 Temporary Irrigation Systems: Temporary irrigation Systems May be Serviced through a fire hose from a fire hydrant. A Backflow Prevention Device and a meter must be obtained for Use from the County prior to such Use (See Chapter 9).

- 407.04 Sewer Deduct Meter: A sewer deduct meter may be installed downstream of a primary meter to measure water consumed by an Owner that does not discharge to the sanitary sewer system, like for irrigation, etc. The volume of water measured by the deduct meter is used to reduce the volume of sanitary sewer service consumed by the Owner as measured by the primary meter. Such installations shall meet current County installation procedures and include a Backflow Prevention Device if used for a permanent irrigation system. The Owner shall pay for all costs related to such an installation.

- 407.05 No pumps Shall be discharged into the Service Line.
- 407.06 No permits Shall be issued nor Shall any such Connections be made unless and until the fees and deposits herein imposed, along with all other charges and fees that pertain to that County System, have been paid, and all other County requirements have been met. The payment of the fees and deposits enumerated in these Regulations does not relieve any Person from the responsibilities enumerated in these Regulations.
- 407.07 Unless otherwise authorized by the County, all permits Shall become null and void if not used within one (1) year from the date of issuance. Upon application by the Owner, fifty percent (50%) of the Connection fee and all inspection and meter fees Shall be refunded after a permit becomes null and void. If not requested by the Owner within eighteen (18) months of the date of issuance, no refund Shall be made and the funds so collected Shall be used by the County as if the Connection of Tap was made, and another Connection fee will be required for actual Connection to the County System.

408. OWNER TO BEAR COST AND BE RESPONSIBLE FOR SERVICE LINES.

- 408.01 All Costs and expenses incidental to the installation and Connection of Service Lines Shall be borne by the Owner of the property being connected to the County System. The Owner Shall indemnify the County from any loss or damage that May directly or indirectly be occasioned by the installation of any Service Line.
- 408.02 The Owner Shall be responsible for all leaks or blockage in a Service Line and Shall, at its own expense, construct, maintain and keep it in good repair. When leaks or other defects in a Service Line are discovered, the County May disconnect the Service Line. Except in cases of emergency, the County Shall give the Owner notice of such difficulty and Shall allow the Owner reasonable time in which to have repairs made or other maintenance work accomplished.

409. SEWER CONNECTIONS, FEES.

- 409.01 The Owner of any improvement who is required under these Regulations or by law, or who wishes to connect into a Sewer System of the County, Shall first pay a Connection Fee as established in the County Deposit, Fee and Charge Schedule based on the average daily gallonage as listed in Attachment A to such Schedule.
- 409.02 The builder of any Building which requires Sewer Service Shall, prior to beginning construction of the Building, pay a fee in an amount

established by the County to insure the fire protection of the Sewer System during the construction of the Building as listed on the County Deposit, Fee and Charge Schedule.

- 409.03 All pretreatment or other extra Costs as required to comply with these Regulations are additional to the Connection fee.

410. WATER CONNECTION (TAP).

- 410.01 The Owner of any lot or plot of ground who wishes to connect to a County Water System Shall first pay a Connection fee and meter fee as established by the County and set forth in the County Deposit, Fee and Charge Schedule.

- 410.02 When a Service Line is used for fire protection, the water Connection charges and monthly fees Shall be charged as stated in the County Deposit, Fee and Charge Schedule in force on the date fees are due. The Service Line for fire protection Shall be installed so that disconnection of domestic water service does not shut off fire protection. There Shall not be any Connection between a fire protection System and Water System for Domestic Use downstream of a shut off valve.

410.03

411. WATER METERS, NEW INSTALLATION.

The County will provide all water meters upon payment of the meter fee which Shall be listed in the County Deposit, Fee and Charge Schedule. All new meter installations Shall be made by the County unless previously authorized by the County. Prior to turning on the water, the County Shall inspect and approve the Water System. A twenty-four (24) hour notice to the County is required to schedule the Water System inspection.

412. TEMPORARY WATER SERVICE.

- 412.01 When temporary water Service is requested for any purpose, the County Shall make an estimate of the Cost of installing and removing the facilities required for such Service and the applicant for the Service Shall deposit with the County the amount of such estimate. When such temporary Service is no longer desired and is discontinued, all facilities not thereafter usable Shall be removed and the actual installation and removal Costs Shall be determined. The Customer Shall then be reimbursed for the amount of its deposit less the "in-and-out" Cost determined as above. During the period of the temporary Service, the Customer Shall also be liable for a Service charge calculated in accordance with County Deposit, Fee and Charge Schedule.

- 412.02 A fee, as stated in the County Deposit, Fee and Charge Schedule, Shall be paid for the installation of a meter on a Service Line or hydrant for Use by a Contractor during the construction. The Contractor Shall also be liable for a Service charge calculated in accordance with the County Deposit, Fee and Charge Schedule.
- 412.03 The Contractor Shall provide adequate support for the meter in a protected place. Failure of the Contractor to provide proper care for the meter, or misuse of or damage to the meter May constitute grounds for removal of the meter and terminating the temporary Service.

413. INSPECTION.

- 413.01 All Connections to a County System and the installation of all Service Lines Shall be inspected by the County.
- 413.02 The water Connection fees include the Cost of an initial inspection and one repeat inspection or two (2) hours of inspection by the County for each permit issued. If more than the initial and one repeat inspection or more than two (2) hours of inspection time be required due to the failure of the Owner, its Contractor or authorized representative to install, maintain, repair, alter, or perform other works necessary to install the Connection and/or Service Line in accordance with these regulations, an additional fee as listed in the County Deposit, Fee and Charge Schedule Shall be charged for the time required to insure compliance with these Regulations. Such additional fees Shall be paid prior to the final approval of the Service Line for which the permit was issued.
- 413.03 There Shall be a final inspection of the interior plumbing prior to the enclosure of the plumbing or the hanging of the fixture.
- 413.04 The Sewer inspection is subject to the charge listed in the County Deposit, Fee and Charge Schedule
- 413.05 The County Shall be given twenty-four (24) hours notice when an inspection of a Water or Sewer Connection is required.

414. REPAIR OF SERVICE LINES.

The Owner of any lot or plot of ground which has a Service Line that has been Tapped or connected to a County System but which requires maintenance, repair, alteration or other work to either eliminate the Service Line or to cause the Service Line to conform to these Regulations Shall perform or cause the performance of the necessary work. The Owner of such property or its authorized representative Shall notify the County prior to any such work being performed.

415. UTILITY SERVICE CHARGES.

There Shall be a monthly water Service charge, and a monthly Sewer Service charge

established by the County.

415.01 The Owner of the property which is served by either a County Water or Sewer or both Systems Shall be liable for all charges for the Service rendered that property.

415.02 Unless provided otherwise by agreement between an Owner and the County, Service charges will begin on the following dates and will continue to be charged thereafter unless the property is permanently disconnected from the County System for which Service charges have been rendered. Service Availability Charges will begin on the date water meter installation has been completed. When only Sewer Service is being provided, such charges will begin on the date the Service Line installation is approved by the County.

415.03 Charges for Sewer services Shall be determined in accordance with this section and Shall not be provided without charge to Users.

1. User charge rates shall be approved by the Board of Clark County Commissioners. Rates shall be set to generate sufficient revenue to provide for the cost of maintaining, repairing and operating the water and sewer systems, to pay the principal and interest on all issued or assumed debt, and to ensure the organization remains fiscally sound and financially sustainable.
2. The County shall maintain a system of rates, fees and charges that effectively recovers allocated costs to customers and customer classes in reasonable proportion to their differing service requirements and their responsibility for the costs incurred by the utility.
3. Rates shall be sufficient to generate income necessary to meet the County's revenue requirements. Revenue recovery from rates shall ensure financial stability as measured by adequate fund balance, operating reserves, debt service ratio, specified reserves and other measures established by the County.
4. The County's rates, fees, and charges shall be reviewed on an annual basis, and adjusted as necessary, to ensure that rate and revenue levels are adequately funding the County's financial, capital and operational goals, objectives and requirements.
- 5.

415.04 Sewage Surcharges

- A. Sewage or industrial wastes above normal domestic strength, but acceptable for discharge into the Sewer System Shall be subject

to a surcharge. The surcharge Shall be determined on the basis of either or both of two constituents of water or wastes:

- i. Total Suspended Solids, and/or
- ii. Five day BOD At 20 degrees centigrade and as herein provided.

- B. When either or both the total Suspended Solids and the BOD of a water or waste accepted for admission to the System exceeds the values of their constituents for normal domestic sewage, the excess concentration in either or both, as the case may be, Shall be subject to a surcharge based on the cost per pound to remove the excess quantity of each constituent:

$$\text{SSR BOD or SSR SS} = C \times D$$

Where SSR = Sewage Surcharge Rate

C = Pounds of BOD or SS in excess of that of normal domestic sewage

D = Current cost per pound to treat normal BOD or SS loads

- C. In addition to the surcharge, the User Shall pay the user charge as defined in other sections of these Regulations
- D. The pounds of BOD per day and/or pounds of Suspended Solids per day, above the concentrations previously described for normal strength sewage that are discharged to the Sewer System, Shall be determined by the County or an authorized representative
- E. In addition to a surcharge on BOD and Suspended Solids, the County Shall have the right to surcharge any User for the discharge of any Pollutant into the Sewer System or for any other reason deemed necessary and appropriate, such as excessively high rates of discharge.

416. BILL AND PAYMENT FOR UTILITY SERVICES.

416.01 All bills Shall be due and payable on the date shown on the bill. When Service to any Premises is established or there is a change of Ownership on any date between the billing dates the bill Shall be pro-rated based on the times of Service.

416.02 Bills will be mailed or electronically sent to the Owner at the address of the Premises Serviced unless the Owner requests, in writing, that the bill be sent to some other address specified by the Owner, such as pursuant to a Tenant Service Agreement (hereafter, "TSA"). Notification of

change of address or submission of a TSA does not relieve the Owner of the responsibility for all charges for Services rendered to the property.

- 416.03 The failure to receive a bill Shall not relieve the Owner of the obligation to pay the same when due.
- 416.04 The Owner Shall notify the County of any errors or discrepancies in the billing prior to the date the bill becomes delinquent. Failure to make such notification constitutes acceptance of the bill as mailed.
- 416.05 Bills unpaid after the date shown on the bill Shall be considered delinquent and Shall subject the Premises to a delinquency charge, discontinuance of Service, additional fees for Disconnection Processing and Reconnection, as are listed on the County Deposit, Fee and Charge Schedule, and/or any other remedy of law available to the County.
- 416.06 Any payment by check which is returned for insufficient funds or any reason Shall be charged the returned check fees as listed on the Deposit, Fee and Charge Schedule. The Disconnection Processing Fee Shall also be applied for any check returned for payment on an account scheduled for disconnection.
- 416.07 The County Shall be notified by the Owner of any change of Ownership for any premise being served by the County. Such notice Shall contain the date such change is to become effective.
- 416.08 When the County is notified of a change in Ownership, the County Shall render a final billing.

417. CHANGE OF OWNERSHIP; LIABILITY FOR UNPAID BILLS.

- 417.01 When a property which receives Utility Service from the County changes Ownership, the new Owner Shall, within three (3) business days of change of Ownership, notify the County of the change in Ownership, receive the pro-rated billing amounts and make application for Service. Failure to notify the County of the change in Ownership within three (3) business days of the change in Ownership will subject the new Owner to be liable for all past due amounts for that property, having the property disconnected from the County System, and any other remedies allowed by law.

418. PROPERTY OWNER LIABILITY

- 418.01 Any Owner of real estate receiving County water and/or Sewer Service thereby accepts the provisions of all rules and regulations of the County, and agrees to be liable for all Service charges for such Premises, whether the accounts for such Premises are carried in the name of such

Owner or in the name of tenants or other Persons.

- 418.02 An Owner purchasing property and maintaining Service Connections on the property in the County thereby accepts these County Regulations and becomes personally liable for rents for water and/or Sewer Service furnished to tenants occupying such Premises.

419. EMERGENCY REPAIRS

Disconnection of Utility Service May occur without prior notice if emergency circumstances involve imminent danger to Persons or property, including a break in a Utility Service Line.

420. SERVICE TERMINATION POLICY

In accordance with procedures provided below, including the provision of notice and the opportunity to request a hearing, the County may terminate (hereafter, referred to interchangeably as "Disconnection") all or any part of its service to any customer, for any of the following reasons:

- A. For non-payment of any County charges, as set forth in Section 422 below;
- B. For use of County Water or Sewer Service for any purpose or premises other than as permitted by County Regulations;
- C. For willful misrepresentation in the service application as to the premises to be supplied or the use to be made of County service supplied or of any other material fact;
- D. For tampering with or molesting any component of the County water and sewer system, including not limited to connections, mains, plants, service lines, and water, under the control of, or belonging to the County, or connecting into a County system;
- E. For connecting a sewer, water line, service line, or any line or pipe directly or indirectly with any other source of waste water or use of water than that which results from the normal activities of the premises served, or with any apparatus which may, in the opinion of the County, endanger the quality or integrity of the County water service.
- F. For denial to the County of reasonable access to the premises; or,
- G. For any violation of, or failure to comply with, County Regulations.
- H. For failure of a customer to take corrective action to repair leaks of service lines or other system facilities owned by the customer within 10 days after receiving notice of the same from the County.

- I. Failure of an Owner to sign an Owner Service Agreement or a tenant to sign a Tenant Service Agreement whenever there has been a change or termination of Ownership or a change or termination of tenancy.

421. DELINQUENCY

The County may commence the procedures set forth herein to terminate service to a customer for non-payment of any charges owed by the customer after such charges are delinquent, and impose delinquency charges and other fees, and/or seek other available remedies at law.

422. NOTICE PROCEDURES FOR DISCONNECTION

- 422.01 Written notice of proposed termination (i.e. disconnection) of Water or Sewer Service, for any reason, other than voluntary disconnection where the customer is asking for disconnection and is also the only customer of services at the address, must be sent by the County at least ten (10) days prior to the date for proposed disconnection. Such notice Shall be known as the "Notice of Disconnection".
- 422.02 Prior to a disconnection of water service, the customer, including the Owner and tenant, if any, Shall be provided due process in the form of the Notice of Disconnection and such Notice Shall also inform the customer of their right to request a hearing to dispute the grounds for such disconnection.
- 422.03 The Notice of Disconnection Shall be sent by regular U.S. mail postage prepaid or by the posting of a door hanger containing said Notice at the Service Address to reasonably assure delivery within that time. The date of the notice Shall be the date of mailing, and a dated copy of any notice sent Shall be retained by the County.
- 422.04 The Notice of Disconnection will either be sent separately or, if termination is due to delinquency, be included with the customer's regular billing invoice and such invoice Shall include, in bold print: "NOTICE OF DISCONNECTION".
- 422.05 The separate Notice of Disconnection or the Notice of Disconnection attached (or enclosed with) the invoice Shall include information about the service disconnection and contain the following:
 - A. A clear statement of the reason for disconnection, and that County service to the Service Address will be terminated unless either (1) the past due amount is received by the County by the due date on the Notice of Disconnection or (2) the other reason for disconnection is rectified by the date specified in the Notice of Disconnection;
 - B. The scheduled date for disconnection;

- C. The Service Address;
- D. The due date;
- E. The past due amount;
- F. The account number;
- G. The customer's name and address;
- H. A list and general description of any fees or charges which will be levied in the event that the past due amount is not paid by the due date or the other reason is not rectified by the specified date;
- I. The amount of the Delinquency Fee due, and any additional steps necessary to restore County services;
- J. An explanation of the customer's right to request a hearing prior to service disconnection and the procedure to request such a hearing, and any conditions or limitations, if any, related to disconnection and reconnection of service as provided in these Regulations;
- K. The location, hours and telephone number of the County office at which payment can be made to avoid disconnection, or to call to request a hearing;
- L. Two (2) business days prior to the scheduled disconnection of services, the County may, as a courtesy, leave a door tag or similar notice in a conspicuous place at the Service Address, preferably affixed to the front door. Such hanger will serve as additional notice to the customer of the disconnection date; and
- M. In the event that the Notice of Disconnection omits any of the items listed in this subsection, the County may take additional steps to supplement such Notice of Disconnection at any time. Any such omission Shall not invalidate a Notice of Disconnection.

422.06 Notice as described above may be sent by regular mail. However, whether or not the County sends notice by regular mail or another method, termination procedures Shall continue in accordance with this section.

423. DISCONNECTION PROCEDURES.

423.01 If a hearing is not requested by the due date as specified on the Notice of Disconnection, the County will proceed with disconnection of water services.

423.02 If the County chooses the option of providing Notice by placing a door hanger at the service address, work orders Shall be kept by the County, which state the date, time and location that the hanger was posted and should be signed by such County employee who posted the hanger. Any such documentation is for the benefit of the County and is not a prerequisite to disconnection.

423.03 If a hearing is requested by the due date set forth on the Notice of

Disconnection, no disconnection Shall occur until after the hearing.

- 423.04 After receiving a Notice of Disconnection, if the customer believes a mistake or error has been made and that the water service should not be disconnected, such person should contact the County.
- 423.05 After receiving a complaint of mistake or error regarding disconnection, the County Shall make a reasonable inquiry as to whether a mistake has been made regarding the cause for the disconnection.
- 423.06 If the county determines that a mistake has not been made as to the disconnection, that decision Shall be communicated to the customer who lodged the complaint, and the disconnection Shall proceed unless the reason for the disconnection is corrected (i.e. for delinquency, payment is received).
- 423.07 The County may post a document entitled "WATER SERVICE IS DISCONNECTED", or similar Notice, on the property at the time of disconnection which advises that water service has been disconnected and provides County contact information.
- 423.08 If the County determines that County service to the Service Address was disconnected in error, such service Shall be restored at the Service Address without charge.

424. HEARING PROCEDURES.

- 424.01 The customer has the right to request a hearing before the Deputy Director of Utilities of the County (the "Deputy Director"), or other designated representative of the County, at which time documentary and/or oral information and/or the testimony of witnesses may be presented by the customer for the Deputy Director's consideration. The customer Shall be entitled to reasonable access to the County's business records concerning the affected Service Address in order to prepare for the hearing, which right of access includes the right to obtain copies of documents found therein upon payment of the actual cost of copying.
- 424.02 Any request for a hearing must be made by the customer by the due date set forth on the Notice of Disconnection. Hearing requests will not be accepted after said date.
- 424.03 The hearing Shall be conducted by the Deputy Director within ten (10) days of the request when possible or other time as may be necessary. An audio recording of the hearing Shall be kept.
- 424.04 Once scheduled, the hearing may not be continued to a later date

unless, in the sole judgment of the Deputy Director, there is a good cause shown that hardship would result if the continuance were not granted. When such continuance is granted, the original hearing date Shall be continued to a second date. The second date Shall be within three (3) business days of the original date unless specifically authorized by the County. A continuance of the second date Shall not be permitted.

- 424.05 Such hearings are quasi judicial hearings. The Deputy Director Shall preside and administer an oath to all witnesses. The customer or their representative, in opposition to the Notice of Disconnection, may do any of the following:
- A. Present the customer's position, arguments and contentions;
 - B. Offer and examine witnesses and present evidence in support;
 - C. Cross-examine witnesses purporting to refute the customer's position, arguments, and contentions;
 - D. Offer evidence to refute evidence and testimony offered in opposition to the customer's position, arguments, and contentions, and/or,
 - E. Proffer any such evidence into the record, if the admission of it is denied by the County.
- 424.06 During the hearing, the Deputy Director Shall determine the amount of money, if any, owed to the County on the account at issue, or other reason for disconnection, and may compromise and adjust billings, negotiate, defer and compromise disputes as to payment demands; resolve any other relevant issues in dispute, and may order continuation or disconnection of Water or Sewer Service or any other appropriate action within the authority of the County.
- 424.07 The Deputy Director Shall announce his/her decision at the conclusion of the hearing unless circumstances prevent a decision at that time, in which case, a decision and notice to the customer Shall occur as promptly as possible. In all cases, written notice of the decision Shall also be provided to the customer.
- 424.08 If disconnection is to occur after the customer fails to prevail in a hearing, no further notice prior to actual disconnection is required.
- 424.09 If, following a final order, adjudication, or decision, the customer appeals the same pursuant to R.C. 2506.01 et seq. then within forty (40) days after a notice of appeal is filed, the County Shall, upon the filing of a praecipe by the customer, prepare and file in the court to which the appeal is taken, a complete transcript of all the original papers,

testimony, and evidence offered, heard, and taken into consideration in issuing the final order, adjudication, or decision. If a transcript is necessary, it should contain a report of all evidence admitted or proffered by the customer. Filed with the transcript should be conclusions of fact supporting the County's final order, adjudication, or decision. The costs of the transcript Shall be taxed as a part of the costs of the appeal.

425. DELINQUENCY AND RECONNECTION FEES; RESTORATION OF SERVICES

- 425.01 If all past due sums are not paid by 2:30 p.m. on the business day before the disconnection (or shut-off) date, the property will be disconnected from County service on the scheduled date of disconnection listed on the Notice of Disconnection. In such event, a "Delinquency Fee" in the amount listed on the Notice, Shall apply, whether or not disconnection actually occurs, to cover the County's costs in scheduling and processing the disconnection.
- 425.02 If County service is disconnected for delinquency, service will not be restored until:
- A. The total due as specified on the Notice of Disconnection is paid in full or some other arrangement acceptable to the County, at the County's sole discretion, is achieved.
 - B. The Delinquency Fee is paid;
 - C. A new Owner Service Agreement and Tenant Service Agreement, if applicable, is signed.
- 425.03 In the event of disconnection of County services for any non-delinquency reason listed in Section 420(B) to 420(I) of these Regulations, the Delinquency Fee Shall apply unless the reason for such disconnection is corrected by 2:30 p.m. on the business day before the scheduled date of disconnection. If the County service is disconnected for any such reason, service will not be restored until:
- A. The reason for such disconnection is corrected by the Owner of the property;
 - B. The Delinquency Fee is paid;
 - C. A new Owner Service Agreement or Tenant Service Agreement, whichever is applicable, is signed.

426. CERTIFICATION OF UNPAID CHARGES.

When Water or Sewer Service charges or other rents or charges, except Tap fees, related to the Use of the County System are not paid when due, the County May certify such

sums to the County Auditor, in accordance with R.C. 6103.02(G) and R.C. 6117.02(C), to be collected in the same manner as other taxes. Upon Certification, such sums constitute a lien upon the property served by such connection and Shall be collected in the same manner as other real estate taxes.

427. NON-DISCRIMINATION AGAINST CONSUMERS.

427.01 If Service is disconnected, or if disconnection is proposed, due to a Customer's non-payment of Service charges for a Consumer Household, an adult Consumer of Utility Services in said Household Shall have the right to avoid disconnection, or obtain reconnection, if the Consumer pays a deposit and assumes written responsibility for timely payment of future charges for Service provided the Household at the Service Address. Consumer assumption of responsibility for future Service charges does not relieve the Customer of Contractual liability for previous charges incurred. The assumption obligation Shall terminate upon the Consumer's delivery to the County of a written notice canceling that assumption, and the deposit Shall be returned if the Consumer makes payment of the Consumer's final bill in full. If Consumer does not pay the final bill in full, said final bill amount (or portion unpaid) will be deducted from the deposit and any deposit balance will be returned to the Consumer.

This section does not apply to any Customer concerning any Service Address in which resides the Customer obligated for payment of the account for that Service Address. However, in circumstances in which one meter serves more than one Service Address, Consumer Households will not be penalized in any way, or denied the benefit of this provision, because the defaulting Customer's benefited unit might also benefit from a continuation or restoration of Service.

427.02 The County Shall not refuse to furnish Utility Service and/or propose to or disconnect Utility Service to any Customer or Consumer Household on account of arrearages due the County for Utility Services furnished to Persons formerly receiving Services at the same Premises, provided the Customers obligated on that delinquent account do not continue to reside at such Premises. Applicants who are denied Utility Service Shall be notified of that decision and the reason for it, at the time of denial. No Consumer of Utility Services May be denied Services because of, billed for, or required to pay for Utility Services furnished to the account of another individual, except to the extent that such Consumer has assumed the obligation for arrearages, and except that nothing herein affects the rights of the County to lien property as provided by law.

428. VOLUNTARY TERMINATION OF SERVICE.

428.01 All requests for voluntary termination must be accomplished through the

designated Voluntary Termination Request form filled out by the Customer contractually obligated to pay charges incurred at the Service Address affected by the termination. If the Customer requesting termination states on the Voluntary Termination Request form that any affected Service Address is occupied, the termination will not occur until the Voluntary Termination Request form is also signed at the County or at the Service Address by an adult Consumer actually residing at each affected Service Address. Each such Consumer Shall provide identification to a County employee at the time the form is signed. If the Customer requesting termination states on the Voluntary Termination Request form that all affected Service Addresses are vacant but the County records reveal that any affected Service Address is different from the Billing Address, or there is any other reason to believe the termination May affect water and/or Sewer Service to a benefited unit other than, or in addition to, the Customer's benefited unit, termination will not occur until a Voluntary Termination Request form indicating the date on which the termination will occur is delivered to each affected address at least five (5) business days prior to termination.

428.02 Upon receiving a request for voluntary disconnection, if the County's records reveal that the Service Address is different from the Billing Address for that account, or if there is other reason to believe disconnection May affect a Service Address comprised of a Household other than, or in addition to, the Customer's Household, the County will:

- A. Send a copy of any final notice to the Service Address; and,
- B. Send a copy of any Customer's voluntary termination of water and/or Sewer Service notice to the Service Address.

428.03 Termination Shall not occur if the County learns or is notified that any of the affected Service Addresses are occupied. Verification Shall be made by conducting and documenting a reasonable investigation stating whether the employee found the affected Premises to be vacant and the facts observed by the employee which support that conclusion or facts that support that the Premises might still be occupied.

428.04 Whenever a Voluntary Termination Request form is required to be sent by this Section, termination will not occur until the County employee assigned to perform the termination personally visits each affected Service Address and verifies that it is vacant. The Customer requesting the termination must grant access to the Premises to the County employee for the purpose of conducting investigation of occupancy at the time of termination.

428.05 The County Shall restore Service immediately upon demand of any adult Consumer of water Service at any Service Address so affected, without

charge, if this voluntary termination provision was not complied with or if the County's verification of vacancy was in error.

- 428.06 The County's Service Availability Charges are still applicable even after a Voluntary Termination. If Service is permanently disconnected from the property, then Availability charges will not be imposed.

429. RESTORING UTILITY SERVICES.

Service Shall be restored in accordance with this Chapter.

430. HARDSHIP POLICY.

The County will entertain hardship requests to forgive some portion of the amount owed to the County by the Owners of residential property (See Chapter 12, Admin Forms 1206 and 1207). Where the Customer is a tenant with a tenant service agreement, such Customers May request a hardship adjustment pursuant to this policy although ultimate responsibility for all unpaid sums Shall be borne by the Owner of the property regardless of whether the account is in the name of the Owner or a tenant. Hardship requests Shall be evaluated on a case by case basis and the decision of the County in response to any request Shall be based upon the following guidelines:

- A. Hardship adjustments Shall be determined on a case by case basis by either the County Business Manager or the Director, as set forth herein;
- B. Any adjustment request to forgive less than one hundred dollars (\$100.00) May be considered and granted by the County Business Manager according to this policy;
- C. Any adjustment request to forgive more than one hundred dollars (\$100.00) May be considered and granted only by the Director;
- D. The County May elect to arrange for a payment plan which satisfies all unforgiven debt over some mutually agreeable time period. Any failure to adhere to said payment plan by the Customer or Owner Shall preclude any future forgiveness of any portion of debt owed to the County and Shall result in the reinstatement of any previously forgiven debt and all such debt Shall then become immediately due;
- E. The County May elect to reduce or eliminate Service fees and penalty charges for non-payment of Service fees and charges;
- F. Such forgiveness of Service fees and penalty charges is not mandatory and May only be granted in the event of a hardship, as defined herein; and,
- G. A hardship, for the purposes of this policy, Shall include verification of the following occurring within the previous six months:
 - 1. loss of employment by the Customer or Owner; or
 - 2. death of spouse; or

3. illness of a duration longer than six weeks; or
4. an excessive bill caused by water leaks in the Customer's system.
 - i. Excessive water usage is defined as a 200% increase in usage over the customer's previous 12-month average usage.
 - ii. Customer must request a bill adjustment in writing and provide proof of the leak and repair through receipts from a plumber or for repair parts. The County may send a service worker to confirm the location of the leak and verify information included in the bill adjustment request.
 - iii. For leaks that enter the sewer system, the water and sewer adjustment will be equal to 50% of the difference between the customer's previous 12-month average and excessive usage for both the water and sewer charges.
 - iv. For leaks that do not enter the sanitary sewer system, the sewer portion of the bill will be reduced to the customer's previous 12-month average usage and the water adjustment will be equal to 50% of the difference between the customer's 12-month average and excessive usage.
 - v. Leak hardship adjustments are limited to one (1) adjustment per account, per 12-month rolling period and are applied to one billing cycle;
5. or any other unusual circumstance that the County deems as a hardship.

431.-498. RESERVED.

499. REMEDIES.

Whoever violates any provision of this Chapter or County directives pursuant to this Chapter Shall be subject to the remedies of Section 199 of these Regulations.

CLARK COUNTY
WATER AND SEWER REGULATIONS

CHAPTER 5
WATER AND SEWER DESIGN CRITERIA

- | | |
|------------------------------|-----------------------------|
| 501. Purpose. | 505. Sanitary Sewer Design. |
| 502. Reference Publications. | 506. Waterline Design. |
| 503. Definitions. | 507.-598 Reserved. |
| 504. General Requirements. | 599. Remedies. |

501. PURPOSE.

This chapter establishes the design criteria for water and Sewer Systems. This criteria is intended to supplement rather than replace sound engineering design practice.

502. REFERENCE PUBLICATIONS.

The design of the components of the water and Sanitary Sewer Systems Shall conform with the provisions of the following publications, except as such provisions are

modified or amended herein. When there appears to be, or there is in fact, a conflict between the provisions of the reference publications, the one providing the highest or most stringent requirement shall govern.

- 502.01 Recommended Standards for Sewage Works, Great Lakes Upper Mississippi River, Current Edition.
- 502.02 Ohio Environmental Protection Agency Requirements.
- 502.03 Clark County Construction and Material Specifications.
- 502.04 Clark County Standard Drawings.

503. DEFINITIONS.

The definitions of CHAPTER I shall be used in this Chapter, unless the context of any section of this Chapter specifically indicates that definitions are not applicable.

504. GENERAL REQUIREMENTS.

- 504.01 All Easements granted to or reserved by the County shall be at least twenty feet (20') wide, except that an Easement may be ten feet (10') wide when it borders another Easement or a public right-of-way, part of which can be used for the purpose of the Easement. Notwithstanding the above, all Easements and Easement right-of-way combinations shall be wide enough to insure that the Easement limit is five feet (5') away from all County utilities within the Easement. If a water or Sewer line owned and operated by the County is placed in or adjacent to an existing dedicated road right-of-way and an Owner of any property adjacent to the road right-of-way subsequently seeks to develop that adjacent property, the Owner must grant to the County a ten foot (10') wide Easement and pay the Cost of relocating the line out of the dedicated road right-of-way and into the ten (10) foot wide Easement on the adjacent property. Said Easement shall be granted to the County in exchange for the payment by the County of the amount of One Dollar (\$1.00).
- 504.02 The water line and Sewer design shall use pipe that is, in conjunction with the specified bedding, strong enough to withstand the trench loading and line loadings imposed now or in the known future.
- 504.03 The design of the water and sanitary Systems, and their components, shall be based on generally accepted engineering practices which are compatible with the reference publications and these Regulations. When required by the County, the Engineer shall submit design calculation sheets.
- 504.04 Construction drawings shall be prepared in accordance with generally

accepted practices for all Sanitary Sewers and waterlines which are proposed to be owned or operated by the County. The drawings Shall be signed and sealed by a Professional Engineer licensed in the State of Ohio and include the following:

- A. All drawings Shall be made in ink on reproducible material sized twenty-two inches (22") by thirty-four inches (34") with a one inch (1") border on the left and one-half inch border around the balance of the sheet. The proposed work Shall be shown in both plan and profile on the same sheet and in sufficient detail to clearly show all work to be done. The drawing Shall also show existing and proposed right of ways, property lines and Easements, as well as the existing or other proposed Improvements to or features of, the land in the area of the improvement. In general, the horizontal scale Shall be one inch (1") equals fifty feet (50') or one inch (1") equals twenty feet (20'), and the vertical scale Shall be one inch (1") equals five feet (5'), except when larger scales are necessary to show details or special work. Drawings shall also be provided in the electronic ".pdf" format
- B. The drawings Shall contain general notes and a summary of estimated quantities. The general notes Shall include a reference to the County specifications. All drawings Shall also include a title block in the lower right hand corner of each sheet except on the title sheet. Spaces Shall be provided on the first sheet for the approval signatures of the County and other applicable Officials. Water and Sewer Improvements May be included on the construction drawing for other Improvements, provided that the construction drawings provide the information as required herein;
- C. Supplemental specifications May be submitted as separate documents typewritten on eight and one-half by eleven inch (8 ½ x 11") paper or May be part of the construction drawings; and,
- D. The first sheet for all plans Shall include a location map, a two hundred (200) scale drawing of the Development, the Development title, required signature spaces, a standard drawing list, and an index.

504.05

A Grading Plan Shall be prepared for all Developments subject to these Regulations. The Grading Plan May be combined and submitted with other plans, so long as such combination is neat and easily read. The Grading Plan Shall show, at a minimum:

- A. The Development title, sheet scale, north arrow, and location map unless made a part of construction drawings. The scale Shall be one inch (1") equals fifty feet (50'), or a larger scale;

- B. The floor elevations for the first floor of proposal structures; and,
- C. The proposed elevations, slopes, and grade of the site Improvements.

504.06 Except for applications for Service to one and two family dwellings, site plans or utility plans will be required for the installation of Service Lines. The site or utility plan Shall conform to the following:

- A. Contain the name and location of the lot or project, the scale, a north arrow, and a reference to the County Regulations;
- B. Except for Service Lines for single family and two family dwellings, be signed and sealed by a Professional Engineer licensed in the State of Ohio; and,
- C. Show the proposed work in plan and, when required for clarity, in profile, and in sufficient detail to clearly show all work to be done. The drawing Shall also show existing and proposed right of ways, property lines and Easements, as well as the existing or other proposed Improvements to or features of, the land in the area of the improvement. In general, the horizontal scale Shall be one inch (1") equals fifty feet (50') or one inch (1") equals twenty feet (20'), and the vertical scale Shall be one inch (1") equals five feet (5'), except when larger scales are necessary to show details or special work.

504.07 When the proper County Officials have affixed their signatures to the construction drawings, such drawings become the property of the County as a record of the County Systems; however, the Owner Shall cause the drawings to be corrected to conform to the "as-built" conditions. Public water and Sewer Improvements will not be accepted by the County until reproducible "as-built" construction drawings, pursuant to these Regulations, are delivered to the County. Three (3) paper copies and an electronic copy in pdf, tiff or other mutually acceptable format shall be submitted within three (3) months following completion of the project.

504.08 The "as-built" drawing Shall show changes in the construction as shown in the Contractor's records and observed in the field. The "as-built" drawings Shall also get dimensions to the water and Sewer Taps from two permanent landmarks such as manholes, fire hydrants, catch basins, top of curb or edge of pavement.

504.09 Prior to the filing of any Plat or deed of Easement which contains an Easement or right-of-way in which County owned Water or Sewer System Components are to be or have been installed, said Plat or deed

of Easement Shall be accepted/Approved by the County.

505. SANITARY SEWER DESIGN

- 505.01 Gravity Sanitary Sewer Mains Shall be designed to maintain a minimum velocity of two feet (2') per second at the design flow. The minimum pipe diameter Shall be eight inches (8") for public Sewer Mains and Shall be SDR 26 PVC pipe meeting ASTM D3034 for pipe up to fifteen inches (15"). All joints and Connections Shall be gasketed per EPA Approved ASTM specifications and be made gas-tight and water-tight. The minimum cover over the Sewer pipe Shall be thirty-six inches (36"). The Sewer pipe Shall be designed to carry peak flows based on the Ohio EPA design criteria. Design of public sewer larger than fifteen inches (15") and/or non-gravity public sanitary sewers shall be reviewed and approved by the County on a case-by-case basis. All Sewer Mains Shall be designed, installed and tested in accordance with the County Standard Drawings.
- 505.02 Wye Branches Shall be installed during the construction of the public main line Sewers. If the Sewer is located in a street, Service extensions Shall be constructed to within one foot of the street right-of-way lines. Where the Sewer is more than twelve feet (12') deep, risers Shall be included as part of the construction work. Such risers Shall be brought to between ten and twelve feet (10' - 12') below ground.
- 505.03 Sanitary sewer Manholes shall be installed at all changes of direction in Sewer Mains and along Sewer Main alignment at a maximum spacing of 400 feet unless otherwise approved by the County. No Sewer Service Lines shall connect to manholes. Manholes Shall be designed, installed and tested in accordance with the County Standard Drawings.
- 505.04 Non-Residential Sewer Service Lines Shall have a minimum internal diameter of six inches (6"). Residential Sewer Service Lines Shall have a minimum internal diameter of four inches (4"). Sewer Service Lines Shall be laid with a minimum fall of one fourth inch (1/4") per linear foot unless Approved otherwise by the County, and Shall be of first grade quality of PVC pipe meeting ASTM D3034 SDR 35 or SDR 26 pipe, using proper bends or curves for all changes in alignment or grade. All joints and Connections Shall be gasketed per Ohio EPA Approved ASTM specifications and Shall be made gas-tight and water-tight. The Sewer Shall be laid at uniform grade in straight alignment insofar as possible. Changes in direction Shall be made only with properly curved pipe and fittings. Under no conditions Shall a ninety degree (90) bend pipe fitting be installed on any public or private Sanitary Sewer line. The interior of each length of pipe Shall be made perfectly clean and free from offsets, fins and projections before the next length is connected. All Sewer Service Lines shall be graded by instrument, the line being first leveled from the Building to the

public Sewer and then lowered at the downstream end to obtain the required fall.

- 505.05 All Sewer Service Lines shall be leakage tested. The Contractor shall install a cleanouts immediately outside of the point of entry to the Building and at the property or right-of-way line to accommodate testing. All pipe outlets must be plugged in the section being tested with suitable test plugs. The leakage test shall be a low pressure air test conducted in accordance with the UNI-BELL UNI-B-6-98 Specification or other leakage test method approved the the County. The County May require additional jointing material or concrete collars at any or all joints.
- 505.06 For any Sewer Service Line not immediately connected to a Building, a two inch by two inch (2" x 2") Y pole Shall be placed at the end of each Sewer Service Line and stick out three feet (3') above the ground. The pole above grade shall be painted green.
- 505.07 A separate and independent Sewer Service Line Shall be provided for every Building except where one Building stands in the rear of another, on an interior lot. Where no Sewer is available and cannot be constructed to the rear Building through an adjoining alley, courtyard or driveway, then the Sewer Service Line from the front May be extended to the rear Building and the whole considered as one Sewer. Each Building Shall be charged for Service as separate units.
- 505.08 Old or existing Sewers May be used in Connection with new Buildings only when they are found on examination by an authorized representative of the County to meet the requirements of this Chapter.
- 505.09 In all Buildings in which any Building drain is too low to permit gravity flow to the public Sewer, sanitary Sewage carried to such drain Shall be lifted by Approved artificial means and discharged to the Sewer Service Line at the Owner's expense. Pressurized sewer connections to County gravity sewer mains Shall be transitioned to gravity flow at the property or right-of-way line.
- 505.10 All excavations required for the installation of a Sewer Service Lines Shall be open trench work unless otherwise Approved by the County. Sewers Shall be bedded and backfilled with #57 Crushed stone to a minimum of one foot (1') above the crown of the Pipe. Where the sewer is in the zone of influence of driveways or roadways, measured at a 45 angle away from the pavement, the #57 crushed stone shall be used to backfill within the zone of influence. No

backfill Shall be placed until, the work has been inspected by an authorized representative of the County.

- 505.11 Tapping of existing sewers shall only be made by a licensed Contractor with the County. The tap shall be made using a hole saw with an "Inserta-Tee" brand or approved equivalent connection. Hammer taps are expressly forbidden. The Contractor will be permitted to Tap into or connect into the public street Sewer only in the presence of the County inspector or representative.
- 505.12 The wyes and/or Service Connections Shall be located at the convenience of the County. The County Shall consider the requests of the Owner, but Shall be the final authority as to location. Where it is necessary to cross the street with a Service Connection, the Owner Shall pay for the Cost of all restoration Costs meeting state, county or local requirements.
- 505.13 An applicant for the permit Shall notify the County or its duly authorized representative at least forty-eight (48) hours in advance of when the Building Sewer is ready for inspection and Connection to the public Sewer. The Connection Shall not be made until Approved by a representative of the County and under their supervision.
- 505.14 All excavations for installations Shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work Shall be restored in a manner satisfactory to the County.
- 505.15 All permits for Sewer Connections, whether made at the initial installation or subsequent to the operation of the plant, Shall be made on forms furnished by the County.
- 505.16 All Sewers Shall be inspected and Approved by the County after installation but before covering with backfill. The inspection Shall be requested at least forty-eight (48) hours before the inspection is desired. Upon inspection, and after the inspector has satisfied himself that the installation has been made according to the requirements of this Regulation, and that all possible sources of storm water have been eliminated from the Sewer, it Shall make a sketch of the installation on the form retained by the County at the time the permit was issued, and if such installation complies with the provisions of this Regulation, Shall sign the same, giving one copy to the Owner, and one copy Shall be retained for the County records. Only after the inspector has signed the permit May the Service Line be connected to the Sewer and the trench filled.
- 505.17 All vents Shall be constructed so as to prevent foreign objects from being introduced into the Sanitary Sewers. Tees will not be permitted in any part of the Sewer Service Connection. In order to protect the County's

Sewer System, the plumbing for all Buildings to be connected to the System Shall be installed in accordance with the minimum requirements of the Ohio Plumbing Code, Clark County Combined Health District, and any applicable standards established by the State of Ohio. This requirement is primarily intended to apply to new Building construction; however, the County May require corrective work on the plumbing Systems of any existing Buildings where serious violations of accepted good practices in plumbing are observed. Such corrective action Shall be completed prior to Connection to the County Sewer System.

- 505.18 A means for cleaning and/or examination of the Sewer Service Line, such as cleanouts, Shall be provided immediately outside of the point of entry to the Building or if in the judgment of the County other access is available, the same May be acceptable.
- 505.19 No Person Shall make Connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a Building Sewer or Building drain which in turn is connected directly or indirectly to a public Sanitary Sewer.
- 505.20 Sewer Service Lines Shall not be constructed parallel within three feet (3') of any exterior wall, cellar, basement or cistern nor Shall they have less than two feet (2') of earth or stone cover.
- 505.21 Where the Sewer Service Lines will cross unstable soil or close to a tree where roots May enter the joints PVC pipe meeting AWWA C-900 standard Shall be required within ten feet (10') of a water Service Line, well, spring, cistern or other sources of water supply.
- 505.22 The permit holder will be required to repair or restore any drains or Service Lines damaged or disturbed by during the construction.
- 505.23 Following construction of a Sewer Service Line, the Owner Shall own, maintain, repair or replace the Line from the Building to the publicly owned Sewer main.
- 505.24 Sewer Service Lines and Connections Shall meet the requirements of this Regulation. The materials and/or equipment used during construction Shall conform to the applicable ASTM specifications as directed by the County.
- 505.25 No new Connections to the Sanitary Sewer System will be allowed for Users located within a one hundred (100) year flood plain or an area defined as a wetland in the National Wetland Inventory Maps without approval of the County Floodplain Administrator.

506. WATERLINE DESIGN.

- 506.01 Water Service Lines from the main to the curb stop Shall be designed using a minimum of 3/4" Type K copper. Water Service Lines from the curb stop to the Building shall be Shall be designed using a minimum of 3/4" Type K copper or 3/4" Copper Tubing Size (CTS) Polyethylene, AWWA C-901, SDR-9, ASTM D2737 and ASTM D2837 or other material approved by the the County. Water Service Lines Shall have a minimum cover of four feet (4'). All copper and brass shall be "Lead Free" and conform to all current EPA requirements. Curb stops shall be Brass conforming to AWWA C-800. Curb boxes shall be Extension Minneapolis Style with cast iron lid with Pentagon Head Plug EM2-45-87. All Water Service Lines Shall be subject to pressure testing following the Ohio Plumbing Code Section 312.5.
- 506.02 Water Service Mains Shall be a minimum of eight inches (8") in diameter, unless the Director of the Clark County Utilities Department specifically authorizes a smaller diameter, and Shall have a minimum cover of five feet (5'). Water Service Mains shall be Ductile Iron Class 50 and shall be manufactured in Accordance with AWWA C151 with slip-on Joints with rubber gaskets. Water Mains Shall have cement lining in Accordance with AWWA C104 and an outside coating of bituminous enamel. Bell Joint Restraints shall be Field Lock by US Pipe or County Approved Equivalent. Mechanical Joint Restraints shall be EBBA Iron Megalug Retainer Gland or County Approved Equivalent. Provide pipe with cement lining complying with AWWA C104 and an outside coating of bituminous enamel. Provide class 250 fittings manufactured according to AWA C110 or C153. Water Mains Shall be designed, installed and tested in accordance with the County Standard Drawings.
- 506.03 The maximum head loss permitted at the design velocity Shall be five feet (5') per thousand feet (1000') of pipe or as approved by the County.
- 506.04 The minimum residual pressure at the design flow (fire and/or domestic flows as appropriate) at the highest inhabited floor of any Building Shall be 25 psi.
- 506.05 Fire hydrants Shall be spaced so that any point of inhabited Building can be reached by less than five hundred feet (500') of fire hose from the first hydrant and five hundred feet (500') of hose from the second hydrant. Fire Hydrants shall be Mueller Centurion, A-423, Mechanical Joint, with two (2) 2-1/2" hose nozzles, one (1) 4-1/2" pumper nozzle, national standards threads conforming to AWWA , Counterclockwise to open, break flanges or Approved Equivalent. All fire hydrants Shall conform to the County Standard Drawings.
- 506.06 Water Main Service Line Valves shall be Gate Valves conforming to

AWWA C-509, resilient wedge, non-rising stem, mechanical joint, 150 PSI working pressure, counterclockwise to open, with arrow indicating open.

506.07 Valve Boxes shall be 3-piece cast iron, 6" nominal diameter, adjustable screw type, cover marked "water" and be domestically made. Valve Boxes within a road right of way or in a drive shall be "Heavy Duty" type.

506.08 Water Main Service Lines shall be hydrostatic tested and Disinfected in Accordance with AWWA C-651. The County shall be notified after disinfection and shall perform bacteriological testing per AWWA C-651. Owner is responsible to repeat disinfection procedures per AWWA C-651 until the bacterial testing passes. Water Service Lines shall be hydrostatic tested in Accordance with AWWA C-651. Owner is responsible for Bacteriological testing.

506.09 All excavations required for the installation of watermains and services shall be open trench work unless otherwise Approved by the County. Tapping of Mains shall only be made by a Contractor licensed by the County. Mains Shall be bedded and backfilled with #57 Crushed stone to a minimum of one foot (1') above the crown of the Pipe. Where the Main Service Line is in the zone of influence of driveways or roadways, measured at a 45 angle away from the pavement, the #57 stone shall be used to backfill within the zone of influence. Water Service Lines shall be bedded and backfilled to 12" over the crown with sand. Where the service is in the zone of influence of driveways or roadways, measured at a 45 angle away from the pavement, crushed #57 stone shall be used to backfill above the sand within the zone of influence. No backfill Shall be placed until, the work has been inspected by an authorized representative of the County.

507-598. RESERVED.

599. REMEDIES.

Whoever violates any provision of this Chapter or County directives pursuant to this Chapter Shall be subject to the remedies of Section 199 of these Regulations.

CLARK COUNTY
WATER AND SEWER REGULATIONS

CHAPTER 6
WATER AND SANITARY SEWER CONSTRUCTION PROCEDURES

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| 601. Purpose. | 608. Notification of the County. |
| 602. Definitions. | 609. Substantial Completion. |
| 603. Procedures. | 610. Maintenance Guarantee For Improvements; Bond. |
| 604. Plan Approval. | 611. Final Acceptance. |
| 605. Obligations of the Owner, Construction Guarantees, Violations of Provisions. | 612. Official Notices. |
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| 607. Plan Review Fees and Deposits. | 699. Remedies. |

601. PURPOSE.

This Chapter establishes the procedures to be followed during the construction of components of water and sanitary Systems that are or will be owned by the County.

602. DEFINITIONS.

The definitions of CHAPTER I Shall be used in this Chapter unless the context of any section of this Chapter specifically indicates that such definitions are not applicable.

603. PROCEDURES.

All portions of a water or sanitary System which make Use of a System that is or will be owned or operated by the County Shall be designed and constructed in accordance with the requirements of the County in force on the date of the beginning of construction as such requirements are stipulated in the following:

- 603.01. Clark County Water and Sewer Regulations.
- 603.02. Clark County Construction and Material Specifications.
- 603.03. Clark County Standard Drawings.
- 603.04. Construction Drawings Approved by the appropriate County Officials.

604. PLAN APPROVAL.

Prior to the commencement of construction on any Water or Sewer System or System Components, which said Systems or Systems components will be owned or operated by the County, construction drawings Shall be prepared in accordance with CHAPTER 5 of these Regulations and Approved by the County. Failure to obtain said approval May result in rejection by the County of any construction performed prior to obtaining said approval.

605. SEWER CONSTRUCTION PERMIT.

- 605.01 Before any building sewer for discharge of sewage or industrial waste is constructed, repairs, or altered, a permit application and fee must be submitted to the Director of the County Utilities Department and a permit must be obtained from the County. All permits issued hereunder Shall expire ninety (90) days from the date of issuance. A connection charge must also be submitted with the permit-application for any building Sewer Service to be constructed, repaired, or altered.
- 605.02 The applicant for a permit must furnish the following information:
- A. Name of Owner;
 - B. Owner's mailing address;
 - C. Name of subdivision and lot number or legal description of unparceled land;
 - D. Mailing address of the property;
 - E. Name and address of the construction contractor, if any;
 - F. Type and quantity of waste water to be conveyed from the property to the public sewer;
 - G. The permit fee; and
 - H. The connection charge
- 605.03 Such permit will be issued only to a person who can satisfy to the County that they are competent to do such work. The permit and connection charges to be paid are set forth in the Deposit, Fee, and Charge Schedule at the time for the application. No refund of permit or connection charges Shall be made unless a request is made and the permit returned within ninety (90) days of permit issuance.
- 605.04 The connection charge includes the costs of an inspection, up to five (5) hours, by the County. Should more than five (5) hours of inspection be required because of failure of the Owner, contractor, or authorized representative to install, repair, alter, or perform other work necessary to install the connection and service line in accordance with these regulations, an additional fee as established by the County Shall be charged for the time required to comply with these regulations. Such additional fees Shall be paid prior to the final approval of the service line for which the permit was issued.

606. OBLIGATIONS OF THE OWNER, CONSTRUCTION GUARANTEES, VIOLATIONS OF PROVISIONS.

In consideration of the approval of the Construction Plans, the Owner of the Parcel or Tract of land being developed Shall be subject to the following requirements.

- 606.01. The Owner Shall hold the County and its employees and agents free and harmless from any and all claims which might originate by virtue of the Development of the subject land or the conduct of the Owner, its agents

or employees relative to said Development including, but not limited to, any and all claims for damages of every nature whatsoever or for injunctive relief emanating from the construction and Improvements or resulting from the construction and Improvements of said developed area; and the Owner Shall defend, at its own Cost and expense, any suit or action brought against the County or its employees or agents by reason thereof excluding, however, any such liability that might result from the sole negligence of the County or its employees or agents. The Owner acknowledges that the Owner and its agents or employees are knowledgeable Developers who will utilize said knowledge and skill in developing the subject land and though conforming to County requirements, that the Owner is relying solely on its own expertise or the expertise of its agents in developing the subject Premises; and, that the Owner is not relying on any skill or expertise of the County, its agents or employees in preparing the developed area in accordance with sound engineering and Development practices.

606.02. Prior to filing of the Plat or Easement for the Improvements to the County Systems, Improvements not constructed and accepted at the time of filing Shall be guaranteed by filing with the County evidence satisfactory to the County of one of the following:

- A. A performance bond equal to one hundred (100%) of the estimated construction Cost of the Improvements, with the provision that the bond proceeds Shall be used to cover the Cost of contractors, subcontractors, material men, laborers, and other Costs to the County to complete the project upon default by the Owner; or,
- B. A certified check equal to one hundred percent (100%) of the estimated construction Cost of the Improvements; or
- C. Subject to the approval of the County's attorney, a Certificate of Deposit or an irrevocable Letter of Credit made out to the County, equal to one hundred percent (100%) of the estimated construction Cost of the Improvements.

606.03. All permits and approvals Shall be obtained and all fees and deposits paid prior to the commencement of any construction by any Owner or Developer.

606.04. During construction and prior to acceptance of any improvement, the Owner Shall remove or cause to be removed such dirt and debris and foreign matter from all public right-of-ways, Improvements and/or Easements as were deposited, left or resulted from the construction of Improvements of any nature to the County Systems within twenty-four (24) hours after being notified by the County that such removal is

required. Such removal Shall be done to the satisfaction of the County.

- 606.05. A Development Agreement Shall be executed in such form on such terms and conditions as specified by the County.

606. INSPECTION.

The Construction of all water and Sewer Systems that are or will be owned or operated by the County Shall be inspected as described in the Clark County Construction and Material Specifications.

607. PLAN REVIEW FEES AND DEPOSITS.

- 607.01. At the time of submission of construction drawings, site plans, utility plans or grading plans for review, the fees and deposits listed in the County Deposit, Fee and Charge Schedule Shall be paid to the County. The fees are based on an amount estimated to be sufficient to cover the Cost to the County of plan review, administration, inspection, testing, recording the construction on County's records, and Costs incidental thereto. The County May require additional fees as needed to cover additional costs relating to these reviews.

- 607.02. Upon final acceptance of the construction by the County and written request, the County Shall refund any unused portion of the amounts deposited. If no request is made for refund within one year of the County's acceptance of the construction, the deposits Shall be placed in the County's general fund.

608. NOTIFICATION OF THE COUNTY.

- 608.01 The County Shall be notified three (3) business days prior to when construction work is scheduled to begin. Throughout the duration of construction, the County Shall be kept informed of the construction schedule. Any breaks in the construction work which are longer than five (5) business days Shall require three (3) business days notice.

- 608.02 Upon receipt of the initial notice of when construction is to begin, the County Shall determine what remains to be done before construction starts and notify the Developer thereof or give permission to begin construction. No construction Shall begin without the permission of the County.

609. SUBSTANTIAL COMPLETION.

Upon substantial completion of the construction as shown on the drawings, the County May conditionally accept the County System portion of the System Components constructed by Owner or Developer. This acceptance is conditioned upon:

- 609.01 The posting of a maintenance bond guarantee pursuant to the County's

Construction and Material Specifications;

- 609.02 The submission of a set of "as-built" drawings, including one (1) set of reproducible mylars, two (2) paper copies, and a digital copy of the as-built drawings in auto-CAD format;
- 609.03 Before substantial completion of the sewer lines, all sewers must be cleaned and televised, and the County Shall be provided a digital copy of the televised sewer;
- 609.04 Prior to substantial completion of the sewer line for the whole phase, provision of a sewer cleaning bond to guarantee that all the sewers will be cleaned and televised after the last house is built or after two (2) years;
- 609.05 All major components of the County System being completed to the extent that do not present undue health or safety hazards to the current or potential User of the County System;
- 609.06 Acceptance of the project by the County; and,
- 609.07 Compliance with any other requirement contained in the County's Subdivision Regulations or other applicable County regulations as may be amended from time to time.

610. MAINTENANCE GUARANTEE FOR IMPROVEMENTS; BOND.

- 610.01 The Owner Shall guarantee all Improvements to the County System for a period of at least one year from the date such Improvements are conditionally accepted by the County. This guarantee Shall include any and all defects and deficiencies in workmanship and materials. The Owner Shall be responsible for the Cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all of such Improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches and restoring lawns, sidewalks, yards, streets, Sewers, Waterlines, pipelines, etc., during the one year guarantee period. In the event the Owner fails to make such maintenance, repairs or replacements within a reasonable time after notice in writing by the County or in the event of an emergency which May endanger life or property, the County May make or cause to be made, such repairs or replacements at the expense of such Owner. In order to indemnify the County for the expense of any such repairs or replacements made by or at the direction of the County, a guarantee Shall be made by filing with the County evidence satisfactory to the County's attorney of one of the following in an amount equal to twenty-five percent (25%) of the Cost of the Improvements:

- A. A maintenance bond,
- B. A certified check, or
- C. A Certificate of Deposit or an irrevocable Letter of Credit made out to the County.

610.02 The Maintenance Guarantee will be released upon final acceptance of the Improvements by the County.

611. FINAL ACCEPTANCE.

Final acceptance and release of the Maintenance Guarantee Shall be given after all the Improvements to the County Systems have been satisfactorily maintained, all defects or deficiencies have been corrected and all expenses incurred by the County pursuant to the Development have been paid in full.

612. OFFICIAL NOTICES.

All official notices to the County Shall be sent to the County's address shown on the current Deposit, Fee and Charge Schedule. The County will send all notices to the last known address of the Developer or Owner who initially contacted the County concerning the proposed construction, unless notified in writing to do otherwise.

613.-698. RESERVED.

699. REMEDIES.

Whoever violates any provision of this Chapter or County directives pursuant to this Chapter Shall be subject to any or all of the following, in the County's sole discretion:

699.01 The remedies of Section 199 of these Regulations.

699.02 The County stopping all work on the County Systems immediately after the County has posted a notice to stop work at the site of the Improvements.

699.03 The County continuing any unfinished work or replacing any unaccepted work to a point that the Improvements to the County Systems do not appear to create a health or safety hazard or create maintenance or repair expense to the County because of their state of completion by:

- A. Holding the bonding company responsible for all actual expenses incurred, including engineering, legal and construction expenses, plus interest, from the date of default by the Owner and/or its Contractor or representatives, to the date the County receives reimbursement for all expenses incurred, or
- B. Using the certified check, or proceeds thereof, or proceeds of the

Certificate of Deposit or the Letter of Credit.

- 699.04 The County refusing to accept the Improvements.
- 699.05 The County refusing to provide water and/or Sewer Service which requires the Use of the Improvements which are found in violation this Chapter.

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CLARK COUNTY
WATER AND SEWER REGULATIONS

CHAPTER 7
CONTRACTOR'S LICENSE, CONTRACTOR'S INSURANCE
AND INDEMNIFICATION

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| 707 | Contractor's Cash Bond. | 715-798 | Reserved |
| 708 | Safety Precautions. | 799 | Remedies. |

701. PURPOSE.

To regulate the installation of water and Sewer Service Lines and their Connection into the County water and Sewer Systems.

702. DEFINITIONS.

The definitions of CHAPTER I Shall be used in this Chapter unless the context of any section of this Chapter specifically indicates that such definitions are not applicable.

703. LICENSE REQUIRED.

Any Person, business or corporation which desires to install, maintain or repair Water or Sewer Service Lines or make Connections to the County Water or Sewer System (hereinafter referred to as "Contractor") is licensed by registering as a Plumber with the Clark County Combined Health District. Individual Owners who desire to physically construct the Service Line and Connection themselves from their own residence or structure to the County's System are exempt from this requirement. Said license Shall permit only the licensee to perform said activities, and said Person, business or corporation that has been so licensed Shall be responsible for all work performed pursuant thereto. The licenses issued to corporations Shall list a member, employee or officer of that corporation who is the responsible representative of that licensee for all work performed. It Shall be the responsibility of the licensee to notify the County in the event that the identity of any such representative has changed.

704. CRITERIA FOR GRANTING LICENSE.

The license Shall be given to any Person, business or corporation who meets the requirements established by the Clark County Combined Health District within Clark County to be registered as a Plumber. Property Owners who desire to themselves physically connect their own residences or facilities to the County's System are exempt from the

licensure requirement.

Further, in order to obtain and retain a license with the County, Contractor must comply with all of the requirements of Chapter 7 of these Regulations.

705. CONTRACTOR'S INSURANCE.

With the exception of any Owners who desire to physically construct the Connection themselves of their own residences or structures to the County Water or Sewer System, the Contractor Shall present to the Clark County Combined Health District at the time of applying for a Plumber Registration a certificate of insurance as required by the Clark County Combined Health District and a license Shall not be valid until said Certification has been received by the Clark County Combined Health District. It is the Contractor's responsibility to obtain such certificates as are required herein for all work performed by a subcontractor of the Contractor prior to the time that said subcontractors commence work. Such certificate must be accompanied by a statement that at least ten (10) Days prior notice Shall be furnished to the Clark County Combined Health District if the policies of insurance referenced in the certificates are to be terminated or changed in any way while Contractor's license is in effect.

705.01 WORKER'S COMPENSATION INSURANCE.

The Contractor and/or subcontractor Shall maintain in full force and effect all necessary Worker's Compensation Insurance coverage for all of their employees employed within the County in compliance with Ohio law.

705.02 CONTRACTOR'S LIABILITY INSURANCE.

The Contractor agrees to maintain Comprehensive General and Automobile Liability Insurance covering all operations directly or indirectly incident to any work covered by the license issued by the County whether such operations are by himself or by any subcontractor or by anyone directly or indirectly employed by either of them. Such insurance coverage Shall be maintained while the license is in effect, with such coverage as specified herein. Such Comprehensive General and Automobile Liability Insurance Shall include coverage for:

- A. Claims arising after the Contractor and subcontractors have completed their work (completed operations and products liability coverage);
- B. Claims for property damage and personal injury arising from excavation or tunneling operations;
- C. Claims for property damage and personal injury arising from operations directly or indirectly incident to moving, shoring, underpinning, scaffolding, hoisting, razing, blasting or demolition of any Building or structure;

- D. Claims for property damage to any property below, on or above the surface of the ground, and off-site property;
- E. Claims for property damage or personal injury arising from operations directly or indirectly incident to welding, cutting, sandblasting, grinding, Use of other abrasive materials, or painting, however caused;
- F. Claims for property damage or personal injury arising from operations directly or indirectly incident to blasting or explosions, however caused;
- G. If watercraft and/or aircraft are used claims arising from their Use or operation, however caused; and,
- H. Claims arising from the liability assumed by the Contractor under this Contract including third party beneficiary liability coverage.

The limits of liability of the insurance required herein Shall not be less than the requirements established by the Clark County Combined Health District.

705.03 OWNER'S PROTECTIVE LIABILITY INSURANCE.
RESERVED

705.04 BUILDER'S RISK INSURANCE.
RESERVED

706 LICENSE BOND.

The Contractor, except any permitted Owners who desire to physically construct the Connection themselves of their residences or structures to the County Water or Sewer System, agrees to obtain a Bond in the amount of five thousand dollars (\$10,000.00) as a condition precedent to the granting of a Contractor's license, for the purpose of providing payment to the County for any loss or damage incurred by the County occasioned by the Contractor's failure to fulfill the duties and obligations imposed upon him by the County's Rules and Regulations.

707 CONTRACTOR'S CASH BOND.
RESERVED

708 SAFETY PRECAUTIONS.

Further, as consideration for obtaining a license, the Contractor warrants and agrees that it Shall be responsible for initiating, maintaining and supervising all safety precautions and programs related to the project. The Contractor Shall take all necessary precautions to prevent damage, injury or loss to:

- A. All employees on the work covered by the license and all other Persons who May be affected thereby;
- B. All the work and all materials and equipment to be incorporated therein, whether in Storage on or off the site;
- C. Other property at the site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction; and,
- D. Special care Shall be taken during the entire duration of the work to prevent unauthorized Persons from falling into, climbing upon, or entering any of the excavations, equipment, or work areas.
- E. The Contractor Shall comply with all applicable laws, ordinances, rules, regulations and orders of any public authority having jurisdiction for the safety of Persons or property or to protect them from damage, injury or loss.

709. INDEMNITY PROVISION.

Further, as consideration for obtaining a license, Contractor warrants and agrees that it Shall indemnify and hold harmless the County and its agents and employees from and against all claims, damages, losses, Costs and expenses, including attorney fees, arising out of, or resulting from the performance of any work performed by Contractor, subcontractor, or any agent, assign or employee of the Contractor or subcontractor, provided that any such claim, damage, loss or expense:

- A. Is attributable to bodily injury, sickness, disease or death or injury to or destruction of tangible property (other than the work itself) including the loss of Use resulting therefrom, and/or
- B. Is caused in whole or in part by the negligent acts, errors or omissions of the Contractor, subcontractor, its agents, assigns or employees, or anyone directly or indirectly employed by either Contractor or subcontractor, regardless of whether or not the loss is caused by the County.

710. GENERAL CONDITIONS FOR LICENSE.

Further, as consideration for obtaining a license, Contractor warrants and agrees as follows:

- 1. It is skilled and experienced in the Use and interpretation of the County rules, regulations and requirements;
- 2. It has carefully reviewed the County rules, regulations and requirements for the work covered by the license issued by the County and has found them to be free of ambiguities and sufficient for the purpose of completing the work;
- 3. It has carefully examined the work site, and from its own observations, has satisfied itself as to the nature and location of the work, the character, quality and quantity of the materials; the difficulties likely to be encountered; and any

- other items that May affect the execution of the work;
4. It has based its undertaking of work solely on the County requirements and these observations and has not solely relied in any way on other explanation or interpretation, oral or written, from any other source; and
 5. It will complete the work in accordance with the County requirements in a good and workmanlike manner.

711. LICENSE RENEWAL.

Each license is valid for a period of no more than one year. The annual renewal of said license is required for any licensee to continue to perform licensed activities within the County.

712. NONRENEWAL, REVOCATION OR SUSPENSION OF LICENSE.

Without notice and a hearing, the County retains the right to refuse to renew any license upon its expiration or May suspend or revoke any license at any time for the following reasons:

- | | |
|--------|---|
| 712.01 | Failure to request renewal; |
| 712.02 | Failure to adhere to the requirements of the County Regulations; |
| 712.03 | Failure to follow the lawful directives and instructions of the County; |
| 712.04 | Any work or Service performed by licensee is unacceptable to the County; |
| 712.05 | Failure to correct deficiencies, or unauthorized or unacceptable work; |
| 712.06 | Failure to obtain the required permits; |
| 712.07 | Having outstanding violations of these Regulations; |
| 712.08 | Continuing work after receipt of notice of work rejection; |
| 712.09 | Beginning work without notifying the County; |
| 712.10 | Continuing work that could endanger the County's Systems or the health, safety or welfare of the Users of the County Systems; or, |
| 712.11 | Any other good cause shown which in the judgment of the County or the Director justifies said nonrenewal or revocation. |

713. LIABILITY FOR DEFECTIVE WORK.

Notwithstanding the provisions of Subsections 408.02 and 416.01, any Person possessing a license, who has performed work on any County Service Line or Connections thereto, where such line or Connection is subsequently found defective or to have been constructed in violation of these Rules and Regulations, or where such line develops leaks or

blockages, May be held responsible, at its expense, for repairing and cleaning such defect and/or for paying the Cost of cleaning and repairing such defects.

714 LICENSE FOR COUNTY CUSTOMER'S CONTRACTOR

A Contractor performing work for a County Customer Shall conform with the County Water and Sewer Regulations, Construction and Material Specifications and Standard Drawings in force at the time the work is performed, and Shall be licensed.

715-798. RESERVED.

799. REMEDIES.

Whoever violates any provision of this Chapter or County directives pursuant to this Chapter Shall be subject to the remedies of Section 199 of these Regulations.

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CLARK COUNTY
WATER AND SEWER REGULATIONS

CHAPTER 8
SEPTAGE HAULER REQUIREMENTS
AND PROCEDURES

- | | |
|------------------|--------------------------------|
| 801. Purpose. | 804. Registration Requirement. |
| 802. Prohibition | 805. – 898. Reserved. |
| 803. Definitions | 899. Remedies. |

801. PURPOSE.
To regulate the Use of County Waste Water treatment facilities for disposal of septage.

802. DEFINITIONS
The definitions of CHAPTER 1 Shall be used in this chapter unless the context of any section of this chapter specifically indicates that such definitions are not applicable.

803. TREATMENT OF SEPTIC TANK WASTE
Any person wishing to discharge Septic tank wastes and other similar wates into the County's treatment system Shall obtain written approval from the County prior to such discharge. Septic tank wastes and other similar wastes Shall not be discharged to sewer's tributary to the County's treatment plant unless such plant has been designed for such waste and the County has granted permission to do so.

804. REFUSAL OF SEPTIC TANK WASTE
The County May refuse the services of its facilities for septic tank or other similar waste materials if the wastes is determined to:

- A. Be deleterious to the treatment plant or appurtenances thereto;
- B. Cause unusual expense in the handling of the treatment plant thereof;
- C. Inhibit the performance of the treatment process; and
- D. Cause the plant to violate its NPDES Permit and/or other disposal system permits

805. CHARGES FOR TREATMENT OF SEPTIC TANK WASTE
Treatment charges for septic tank waste delivered by an approved hauler Shall be based on a flat rate for each load of 1,000 galloons or portion thereof, as defined in Appendix A.

806-898.RESERVED.

899. REMEDIES.

- 899.01 All septage haulers discharging within the County in violation of these Regulations will be considered Users and will be subject to all applicable Rules and Regulations and remedies available at law.

CLARK COUNTY
WATER AND SEWER REGULATIONS

CHAPTER 9
CROSS-CONNECTION CONTROL

| | | | |
|-----|-------------------------------|---------|------------------------------|
| 901 | Purpose. | 908 | Type of Protection Required. |
| 902 | Scope. | 909 | Backflow Prevention Devices. |
| 903 | Governing Regulations | 910 | Installation. |
| 904 | Definitions. | 911 | Inspection and Maintenance. |
| 905 | Cross-Connections Prohibited. | 912-998 | Reserved. |
| 906 | Survey and Investigation. | 999 | Remedies. |
| 907 | Water Protection is Required. | | |

901. PURPOSE.

To protect the County and Public Water supply from Contamination or Pollution by establishing a Backflow Prevention Program in accordance with Ohio Administrative Code Chapter 3745-95, and isolating within the Customer's Water System contaminants or pollutants which could Backflow throughout the Service Connection into the Public Water System.

902. SCOPE.

This chapter establishes the criteria for the maintenance of a continuing program of Cross-Connection control which will systematically and effectively prevent the Contamination or Pollution of the public and County's Public Water Systems.

903. GOVERNING REGULATIONS.

Where there appears to be, or there is in fact, a conflict between this chapter and CHAPTER 1, GENERAL PROVISIONS, the chapter providing the more stringent requirement, standard, or procedure Shall govern. In addition, all OEPA regulations applicable to Cross-Connection and Backflow Prevention Devices are incorporated herein by reference.

904. DEFINITIONS.

The following definitions, and those included in CHAPTER 1, Shall be used in this chapter unless the context of any section of this chapter specifically indicates that such definitions are not applicable.

904.01 "Air Gap Separation Devices" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a Tank, plumbing fixture, or other device and the flood level rim of the receptacle.

904.02. "Approved" means that a Backflow Prevention Device or method has been accepted by the County and the OEPA Director as suitable for the proposed Use.

- 904.03. "Auxiliary Water System" means any Water System on or available to the Premises other than the Public Water System, including but not limited to water from a source such as wells, lakes or streams, Process Fluids, or Used Water.
- 904.04. "Backflow" means the flow of water or other liquids, mixtures, or substances into the distributing pipes of a Public Water System from any source other than the intended source of the Public Water System.
- 904.05. "Backflow Prevention Device" (BPD) means any device, method, or type of construction intended to prevent Backflow into a Public Water System.
- 904.06. "Customer's Water System" means any Water System, located on the Owner's Premises, supplied by or in any manner connected to a Public Water System. The Customer's Water System Shall include those parts of the facilities beyond the Service Connection which are utilized in conveying water from the public distribution System to points of the Customer's Use, but does not include the County's meter.
- 904.07. "Contamination" means an impairment of the quality of the water by Sewage or process fluid or Waste to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.
- 904.08. "Cross-Connection" means any arrangement whereby Backflow can occur.
- 904.09. "Degree of Hazard" is a term derived from an evaluation of the potential risk to health and the adverse effect upon the Public Water System, and which degree Shall be determined solely by the County.
- 904.10. "OEPA Director" means the Director of the Ohio Environmental Protection Agency or their duly authorized representative. "OEPA" means the Ohio Environmental Protection Agency.
- 904.11. "Double Check Valve Assembly" means an assembly composed of two single, independently acting, check valves including tightly closing shutoff valves located at each end of the assembly and suitable Connections for testing the water-tightness of each check valve.
- 904.12. "Health Hazard" means any condition, device, or practice in a Water System or its operation that creates, or May create, a danger to the health and well-being of Users, and which hazard Shall be determined solely by the County. The word "severe" is used to qualify "Health Hazard" means a hazard to the health of the User that could reasonably be expected to result in significant morbidity or death.

- 904.13. "Non-Potable Water" means water not safe for drinking, personal or culinary Use.
- 904.14. "Pollutional Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health May enter the Public Water System or a potable Customer's Water System, and which condition Shall be determined solely by the County..
- 904.15. "Process Fluids" means any fluid or solution which May be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, Pollutional or System Hazard if introduced into the public or a potable Customer's Water System. This includes, but is not limited to:
- A. Polluted or contaminated waters;
 - B. Process waters;
 - C. Used Waters originating from the Public Water System which May have deteriorated in sanitary quality;
 - D. Cooling Waters;
 - E. Contaminated natural waters taken from wells, lakes, streams, or irrigation Systems;
 - F. Chemicals in solution or suspension;
 - G. Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.
- 904.16. "Public Water System" means the County's System for the provision to the public of water for human consumption through County pipes or other constructed conveyances. Public Water System includes any collection, treatment, Storage, and distribution facilities under control of the County and used primarily in connection with the System, any collection or pretreatment Storage facilities not under such control that are used primarily in connection with the System, and any water supply System serving an agricultural labor camp as defined in RC Section 3733.41.
- The Public Water System Shall consist of the source facilities and the distribution System, and Shall include all those facilities of the Public Water System under the control of the County to the point where the Customer's Water System begins. The source facilities Shall include all components of the facilities utilized in the production, treatment, Storage and delivery of water to the public distribution System. The public distribution System Shall include the network of conduits used for delivery of water from the source to the Customer's Water System.
- 904.17. "Reduced Pressure Principle Backflow Prevention Device" (i.e., "reduced pressure zone device or "RPZ") means a device containing a minimum of two independently acting check valves together with an automatically

operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks Shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, Shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device Shall be fitted with properly located test cocks.

904.18. "Service Connection" means the terminal end of a Service Line from the Public Water System. If a meter is installed at the end of the Service, then the Service Connection means the downstream end of the meter.

904.19. "System Hazard" means a condition posing an actual or potential threat of damage to the physical properties of the Public Water System or a Customer's Water System which condition Shall be determined solely by the County.

904.20 "Used Water" means any water supplied by a Public Water System to a Customer's Water System after it has passed through the Service Connection and is no longer under the control of the supplier.

904.21 "Water System" means a Water System comprised of two parts: the Public Water System and the Customer's Water System.

905. CROSS-CONNECTIONS PROHIBITED.

905.01. No water Service Connection Shall be installed or maintained to any Premises where actual or potential Cross-Connections to the Public Water System or Customer's Water System May exist, unless such actual or potential Cross-Connections are abated or controlled to the satisfaction of the County.

905.02. No Connection Shall be installed or maintained whereby water from an Auxiliary Water System May enter a Public Water System or Customer's Water System.

906. SURVEY AND INVESTIGATION.

906.01 Every five years, or such other frequency as permitted or required by the OEPA, the County Shall conduct surveys and investigations, regarding water Use practices within Customer' Premises to determine whether there are actual or potential Cross-Connections to the Customer's Water System through which contaminants or pollutants could Backflow into the Public Water System, if there have been any modifications to the Premises which require a different or new Backflow Prevention Device at

such Premises, or if there has been a change in Ownership or business type at a commercial or industrial establishment.

906.02 Customers and Owners Shall promptly furnish all information requested in County surveys and investigations regarding water Use practices within their Premises.

906.03 All Premises Shall be open at all reasonable times to the County for the conduction of surveys and investigations of water Use practices within the Premises to determine whether there are actual or potential Cross-Connections to the Customer's Water System through which contaminants or pollutants could Backflow into the Public Water System. Where feasible, the County Shall provide reasonable notice to the Customer or Owner prior to conducting such survey or investigation at the Customer's Premises.

906.04. It Shall be the responsibility of each water Owner to conduct periodic surveys of water Use practices on their Premises to determine whether there are actual or potential Cross-Connections in their Water System through which contaminants or pollutants could Backflow into the Customer or the Public Water System, and to notify the County of any such Cross-Connections.

907. WHERE PROTECTION IS REQUIRED.

907.01. An Approved Backflow Prevention Device Shall be installed on each Service Line to a Customer's Water System serving Premises, where in the judgment of the County or the OEPA, actual or potential System Hazards to the Public Water System exist.

907.02. An Approved Backflow Prevention Device Shall be installed on each Service Line to a Customer's Water System serving Premises where any of the following conditions exist:

A. Premises on which any substance is handled in such a fashion as to create an actual or potential System Hazard to the Public Water System. This includes, but is not limited to, Premises having sources or Systems containing Process Fluids, waters originating from the Public Water System which are no longer under the sanitary control of the County, swimming pools, hot tubs or other water containment devices, and irrigation Systems;

B. Premises having internal Cross-Connections that the County finds are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-Connections exist;

- C. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete Cross-Connection survey;
- D. Premises having a repeated history of Cross-Connections being established or re-established;
- E. Construction of any Building or Premises which requires a new Service Connection;
- F. Any Premises at which it is discovered or found through survey response or investigation, to have actual or potential Cross-Connection; and,
- G. Others specified by the County or the OEPA.

907.03. An Approved Backflow Prevention Device Shall be installed on each Service Line to a Customer's Water System serving, but not necessarily limited to, the following types of facilities unless the County or the OEPA determines that no actual or potential System Hazard to the Public Water System exists:

- A. Hospitals, mortuaries, clinics, nursing homes;
- B. Laboratories;
- C. Piers, docks, waterfront facilities;
- D. Sewage treatment plants, Sewage pumping stations or storm water pumping stations;
- E. Food or beverage processing plants;
- F. Chemical plants;
- H. Metal plating industries;
- I. Petroleum processing or Storage plants;
- J. Radioactive material processing plants or nuclear reactors;
- K. Car washes;
- L. Others specified by the County or the OEPA.

908. TYPE OF PROTECTION REQUIRED.

908.01. The type of protection required under Sections 907.01 - 907.03 of these regulations Shall depend on the Degree of Hazard, as determined solely by the County, which exists as follows:

- A. An Approved Air Gap Separation Device Shall be installed where the Public Water System May be contaminated with substances that could cause a severe Health Hazard;
- B. An Approved Air Gap Separation Device or an Approved Reduced Pressure Principle Backflow Prevention Device Shall be installed

where the Public Water System May be contaminated with any substance that could cause a System or Health Hazard; or,

- C. An Approved Air Gap Separation Device or an Approved Reduced Pressure Principle Backflow Prevention Device or an Approved Double Check Valve Assembly Shall be installed where the Public Water System May be polluted with substances that could cause a Pollutational Hazard or System Hazard not dangerous to health.

909. BACKFLOW PREVENTION DEVICES.

909.01. Any Backflow Prevention Device required by these rules and regulations Shall be of a model or construction Approved by the County and the OEPA and Shall comply with the following:

- A. An Air Gap Separation Device Shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch (1"); and
- B. A Double Check Valve Assembly or a Reduced Pressure Principle Backflow Prevention Device Shall be Approved by the County, and Shall appear on the current list of Approved Backflow Prevention Devices of the Ohio Environmental Protection Agency.

909.02. Backflow Prevention Devices which do not meet the requirements of Section 909.01 herein but were installed pursuant to County or Ohio EPA approval prior to the adoption of these Regulations Shall be excluded from the requirements of Section 909.01 of this regulation if the County determines that such Backflow Prevention Device will satisfactorily protect the Public Water System in conformance with Ohio EPA requirements. However any such Backflow Prevention Device Shall nevertheless be subject to all inspection, testing and maintenance requirements of these Regulations. Whenever such a Backflow Prevention Device is moved from the present location or requires more than minimum maintenance or when the County finds that the Backflow Prevention Device presents a danger to the public health, such Backflow Prevention Device Shall be replaced by the Owner of said property, at the Owner's expense, with a Backflow Prevention Device meeting the requirements of these County Regulations.

910. INSTALLATION.

910.01. Backflow Prevention Devices required by these Regulations Shall be installed at a location and in a manner Approved by the County and at the expense of the Owner of the Premises.

910.02. Backflow Prevention Devices installed on the Service Line to a

Customer's Water System Shall be located on the Owner/Customer's side of the water meter, as close to the meter as is reasonably practical and prior to any other Connection.

910.03. Reduced Pressure Principle Backflow Prevention Devices must be installed above ground level or floor level, whichever is higher.

910.04 All Backflow Prevention Devices must be Approved by the County and must pass County inspection following initial installation.

911. INSPECTION AND MAINTENANCE.

911.01. It Shall be the duty of the Owner of any Premises on which Backflow Prevention Devices required by these regulations are installed to maintain such devices in proper working order and in continuous operation. In addition, the Owner Shall have inspections, tests, and overhauls conducted in accordance with the following schedule, or more often when needed:

A. The Owner Shall have each Backflow Prevention Device on their Premises inspected and operationally tested at the time of installation and at least every twelve months thereafter;

B. The Owner Shall submit the annual inspection record to the County by January 1 of each year (See Chapter 12, Admin Form 1201). The Owner Shall submit records of any other inspection, test, repair or overhaul to the County within ten (10) Days of such action; and,

C. If an Owner fails to submit such annual inspection or re-inspection record or to conduct required inspections or perform required repairs or otherwise not comply with the requirements of this Chapter, the County May terminate water Service in accordance with the termination procedures provided under Chapter 4 of these Regulations. If the County, in its sole discretion, determines that a Health Hazard exists, the County May terminate water Service immediately with reasonable notice.

911.02. Inspections, tests, and overhauls of Backflow Prevention Devices Shall be made at the expense of the Owner of the Premises and Shall be performed by Person qualified and licensed or certified for such work by the State of Ohio to inspect, test and overhaul Backflow Prevention Devices.

911.03. Whenever Backflow Prevention Devices required by these regulations are found to be defective or not operating properly, in any manner, they

Shall be repaired, overhauled or replaced at the expense of the Owner without delay, and successfully re-inspected by an inspector qualified and licensed or certified by the State of Ohio to perform such work. All re-inspection records must be submitted to the County and every Backflow Prevention Device must pass such inspection and be in continuous proper working condition.

- 911.04. The Owner must maintain a complete record of each Backflow Prevention Device from purchase to retirement. This Shall include a comprehensive listing that includes a record of all tests, inspections, repairs and overhauls.
- 911.05. Backflow Prevention Devices Shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the County.

912-998 RESERVED.

999. REMEDIES.

- 999.01. The County May deny or terminate water Service in accordance with Section 911.01(C) herein to any Premises wherein any Backflow Prevention Device is not installed, inspected, tested, or maintained in accordance with this Chapter and OEPA regulations, if it is found that the Backflow Prevention Device has been removed or by-passed, or if any unprotected Cross-Connection exists on the Premises.
- 999.02. Water Service to such Premises Shall not be restored until the Owner has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the County.
- 999.03. Whoever violates any provision of this Chapter or County directives pursuant to this chapter, including but not limited to the County Backflow Prevention Program, all be subject to the remedies of Sections 199 and 999 of these Regulations.

APPENDIX B

LIST OF APPROVED BACKFLOW PREVENTION DEVICES

A. General

In accordance with Ohio Administrative Code ("OAC") Rule 3745-95-06 (A), any Backflow Prevention Device required by OAC Rules 3745-95-04 and 3745-95-05 Shall be of a model or construction Approved by the County and the OEPA Director.

B. Device Approval List

The County maintains a list of OEPA Approved devices which is available at the County Utilities Department Office.

CLARK COUNTY WATER AND SEWER REGULATIONS

CHAPTER X WELLHEAD PROTECTION

| | | | |
|------|---|-----------|--|
| 1001 | Purpose. | 1011 | Reporting Requirements |
| 1002 | Scope. | 1012 | Public Water Supply Protection. |
| 1003 | Administration. | 1013 | Public Notice and Appeals. |
| 1004 | Definitions. | 1014 | Waivers. |
| 1005 | Wellhead Protection Areas. | 1015 | Inspections, Surveys. |
| 1006 | Maps of Wellhead Protection Areas; Applicability. | 1016 | Fees, Charges and Fines. |
| 1007 | Regulated Substances. | 1017 | Vandalism. |
| 1008 | Prohibitions and Restrictions Within Wellhead Protection Areas. | 1018 | Notice of Violation. |
| 1009 | Storage Tanks. | 1019 | Severability. |
| | | 1020 | No Deleterious Effect on County Water Wells. |
| 1010 | Compliance. | 1021-1098 | Reserved. |
| | | 1099 | Remedies. |

1001 PURPOSE

To safeguard the public health, safety and welfare by establishing wellhead protection regulations to protect the public water supply of the County. This Shall be accomplished by implementing the regulations herein which apply to the Use of Regulated Substances in defined Wellhead Protection Areas:

1002 SCOPE.

The provisions of this chapter Shall be effective within the Wellhead Protection Areas as defined herein to the maximum extent allowed by law. Nothing contained in this chapter Shall be construed so as to interfere with any existing or future lawful requirements that May be, or heretofore were, imposed by any other public body authorized to enact sanitary, health or water pollution abatement restrictions so long as such requirements are consistent with, or more stringent than, the stated purpose of this regulation.

1003 ADMINISTRATION.

Except as otherwise provided herein, the County Board or its designated agents Shall administer, implement, and enforce the provisions of this chapter.

1004 DEFINITIONS.

Unless the context specifically indicates otherwise, the following words and phrases when used in this Chapter Shall have the meaning defined below:

- 1001.03 "Above-Ground Tank" A device meeting the definition of "Tank" in this rule but which is not an UST as defined in 1001.20 of this Chapter.

- 1001.04 "Aquifer" A geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.
- 1001.05 "Board" The Board of County Commissioners of Clark County.
- 1001.06 "CERCLA" The Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendment and Reauthorization Act, 42 U.S.C. 9601 et seq.
- 1001.07 "Certification" A statement of professional opinion based upon knowledge and belief.
- 1001.08 "Facility" Any Premises located in a Wellhead Protection Area the Use of which could impact the Use of the underlying or adjacent Aquifer for public drinking water supply. This definition includes but is not limited to Buildings, Storage areas, mining or processing operations, septic Tanks, farming operations and related activities.
- 1001.09 "Operator" Any Person who is directly responsible for the overall operation of a Facility.
- 1001.10 "OSHA" The Occupational Safety and Health Act, 29 U.S.C. 651 et Seq.
- 1001.11 "Potential Contaminant Source Inventory" An inventory conducted by the County to identify any significant activity or land Use that has the potential to contaminate the ground water supplying the County.
- 1001.12 "Regulated Substance" Any substance that the Board or County has designated as regulated under the provisions of Section 1007 of this Chapter.
- 1001.13 "Resource Conservation and Recovery Act" or "RCRA" The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq.
- 1001.14 "SDWA" The Safe Drinking Water Act, as amended, 42 U.S.C., 300f et seq.
- 1001.15 "Spill" The spillage, leaking, pumping, pouring, emitting, or dumping of Regulated Substances or materials which, when spilled, become Regulated Substances into or on any land or water.
- 1001.16 "Storage" The holding of Regulated Substances for a temporary period, at the end of which the Regulated Substance is treated, disposed of, or stored elsewhere.

- 1001.17 "Tank" A stationary device, designed to contain an accumulation of Regulated Substances which is constructed primarily of non-earthen material (e.g., wood, concrete, steel, plastic) which provide a structural support.
- 1001.18 "Tank System" A Regulated Substances Storage or treatment Tank and its associated ancillary equipment and containment System.
- 1001.19 "TSCA" The Toxic Substance Control Act, as amended, 15 U.S.C. 2601 et seq.
- 1001.20 "Underground Storage Tank" (hereafter, "UST") Anyone or combination of Tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including volume of underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground.
- 1001.21 "Use" The handling, placement, deposit, production, transportation, processing, transfer, treatment, Storage, disposal, maintenance or installation of Regulated Substances.
- 1001.22 "User" Any Person who Uses Regulated Substances.
- 1001.23 "Wellhead Protection Area" or "WHPA" The surface and subsurface area supplying water to wells or well fields through which potential contaminants are likely to move and reach wells or well fields. The maps displaying the County Wellfield are contained in Appendix C. If there are no approved maps designating said wellfield protection area, these Regulations Shall apply pending approval of said maps.

1005 WELLHEAD PROTECTION AREAS (WHPA).

Wellhead Protection Areas (WHPA) Shall be determined, Approved, instituted and administered in accordance with rules and regulations promulgated by the County. The extent of the County WHPA, and any subsequent WHPA Shall reflect the descriptions shown on the maps and maintained by the County and which maps May be amended from time to time (See Appendix C). Further, if a portion of a Facility is located within a Wellhead Protection Area, the entire Facility Shall be governed by this Chapter.

1006 MAPS OF WELLHEAD PROTECTION AREAS; APPLICABILITY.

- 1001.03 The County Shall maintain hydrogeologic maps designating the County WHPA where groundwater supplies are vulnerable to Contamination and there is a level of risk that contaminants can be transported or otherwise find a way into the County's present and future public Potable water supply wells and Wellheads. These maps Shall clearly designate the location of the County WHPA.

- 1001.04 The County Shall approve the areas initially designated as County WHPA on the maps and any modification of such designations thereafter. Designations of County WHPA or any other WHPA Shall not be valid without approval of the County Board.

1007 REGULATED SUBSTANCES.

- 1007.01 Regulated Substances, as defined herein, are substances which are hereby deemed by the County to be Health Hazards.
- 1007.02 Regulated Substances include any of the following:
- A. Chemicals which are regulated by SDWA, TSCA, RCRA, OSHA, CERCLA, or other state and/or federal environmental laws and regulations, or for which there is scientific evidence that acute or chronic health effects May result from exposure including, carcinogens, Toxic and highly Toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxin, nephrotoxins, neurotoxins, agents which act on the hematopoietic System, obnoxious substances causing odor and taste problems, and agents which damage the lungs, skin, eyes, or mucous membranes.
 - B. Mixtures of chemicals which have been tested as a whole and have been determined to be a Health Hazard.
 - C. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids in Use in equipment for the transmission of electric power to homes and businesses).
 - D. Any other substance which poses a potential Health Hazard to the water supplies or to human health.
 - E. Any Building permit applications within any of the County's Wellhead Protection Area must be reviewed by the County prior to approval.

1008 PROHIBITIONS AND RESTRICTIONS WITHIN WELLHEAD PROTECTION AREAS.

- 1008.01 No Person Shall place, deposit, or permit to be deposited, store, process, Use, produce, dispose of, transport, or discharge any substance, or Regulated Substance, in any Wellhead Protection Area in violation of a law, statute, ordinance, rule or regulation.
- 1008.02 It Shall be the responsibility of Persons owning real property and/or owning or operating a business within a County WHPA to comply with all

County regulations and to make a determination of the applicability of this Chapter as it pertains to the property and/or business under their Ownership or operation and their failure to do so Shall not excuse any violations of said Chapter.

1008.03 Containment: Any Owner or occupant of any property within a Wellhead Protection Area which uses Regulated Substances Shall provide for containment, secondary containment and Spill containment as required under state or federal law.

1008.04 Regulated Substances: Regulated Substances are permitted to be used and stored by Owners and businesses existing within County WHPA. However, it Shall be the responsibility of the Owner of any such property or business therein to ensure that such Regulated Substances are safely stored, handled and disposed of in accordance with local, state and federal law to ensure that they do not enter the County's Aquifer. The County May require proof of such safe Storage, handling and disposal operations and procedures. All Owners and business Owners and Operators Shall be responsive to such requirements in a timely fashion.

1008.05 Commercial Salt at Properties Coming into Existence: businesses or other structures coming into existence within County WHPA after _____, 2015 are prohibited from storing commercial salt within County WHPA. All political subdivisions with zoning authority within County WHPA Shall prohibit any Use of property therein for purposes which include the Use or Storage of Regulated Substance or commercial salt.

1009 STORAGE TANKS.

1009.01 A registered professional engineer or certified inspection company Shall certify that all Tank Systems (Above-Ground and Underground) are in compliance with applicable federal and/or state regulations governing such Tank Systems.

1009.02 The County Shall be provided a copy of all inspection reports of Storage Tanks.

1009.03 All such Systems Shall include adequate facilities to monitor and prevent Regulated Substances from leaching into the subsurfaces and impacting the groundwater quality and a containment berm which meets all applicable state and federal standards.

1010 COMPLIANCE

1010.01 Any Person, Facility, or activity located within a Wellhead Protection Area Shall be in compliance with all provisions of this Chapter within one

hundred and eighty (180) Days of the effective date of this Section, except that Owners and occupants of single or duplex residences are expressly excluded from the reporting requirements of Section 1011 if such Use and occupants are otherwise in compliance with the provisions of this Chapter.

1010.02 Any Persons, Users, Owners or renters of property, or Owners or Operators of a business within a Wellhead Protection Area Shall be in continuous compliance with this Chapter.

1010.03 Any Owner or occupant of any property within a WHPA Shall ensure that appropriate members of their staff or workforce are made aware of the requirements of this Chapter 10 of the County's Regulations and the requirements herein, and that they receive appropriate training with respect to such requirements and procedures.

1011 REPORTING REQUIREMENTS.

1011.01 Potential Contaminant Source Inventory - Any Owner or occupant of any property within a Wellhead Protection Area Shall submit to a Potential Contaminant Source Inventory upon request of the County and as often as requested by the County.

A. During the County's Potential Contaminant Source Inventory, the Owner or occupant of such property Shall provide information as requested by the County for determination of compliance with this Chapter, other County regulations and Ohio and federal laws and regulations. Information requested Shall include property insurance coverage.

B. Information provided during such Inventory Shall only be considered confidential to the extent allowable under the Ohio Public Records Law and other applicable federal and state laws.

C. During such Inventory, the County May enter a property to verify information provided by Owner or occupant.

D. A Person who owns, operates or occupies more than one Facility in a Wellhead Protection Area is subject to separate Inventories for each Facility.

E. Any golf course within the County within the WHPA Shall, annually, file a chemical application report regarding applications of substances on the golf course regardless of whether such substances are Regulated Substances.

1011.02 Spill Prevention Plan - Based on submitted Regulated Substance

Inventory Reports (See Chapter 12, Admin Form 1208), the County Shall determine whether to require any Owner or occupant of any property within a Wellhead Protection Area to develop a Spill Prevention Plan and provide such Plan to the County. Where required, such Plan Shall be submitted to the County within ninety (90) Days of County notification of the Plan requirement.

1011.03 Reporting of Spills, Leaks or Discharges and any Potential Contaminant Source

- A. Any Person with direct knowledge of a Spill, leak or discharge of a Regulated Substance within a Wellhead Protection Area Shall, if such Spill, leak or discharge escapes containment, contacts a non impervious ground surface and is not immediately and completely remediated, give notice to the County by telephone. The notification Shall be made within three (3) hours of the incident and Shall include at a minimum, the location of the incident, name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification Shall in no way alleviate other local, state, and federal reporting obligations as otherwise required by law.
- B. Any entity or Person who Spills, leaks or discharges a Regulated Substance(s) Shall be liable for the expense, loss or damage incurred by the County in response to such an incident, including engineers fees, attorney fees, and any other Costs incurred, in addition to the amount of any fines imposed on account thereof under local, state and federal laws; said Person Shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such Spills, leaks or discharges as soon as practicable following the incident, but not later than one hundred eighty (180) Days after the incident and submit a complete report for the County's approve incorporating a detailed history of the Spill, corrective actions taken and a plan for prevention of such incidents, and Shall provide the County with any other information pertinent to a Spill or government investigation, regardless of whether specifically requested by the County or not.
- C. Any Person or activity located in a Wellhead Protection Area Shall provide Spill prevention control and other Pollution abatement methods or facilities sufficient to adequately minimize or eliminate the accidental discharge of Spills of any Regulated Substances. Such control and abatement methods and facilities Shall be provided and maintained at said Person's Cost and expense.

- D. Signs Shall be permanently posted by Owners or Operators in conspicuous places on the Premises in locations where Regulated Substances are, or May be used, advising employees whom to call in the event of a Spill or accidental discharge. All Persons who May cause or discover such an incident Shall be trained in emergency procedures by the Owner or Operator. In all cases, the fire department covering a specific Premises and the County Shall be among those called immediately after the Spill and in accordance with these Regulations.

1011.04 Reporting of Investigation; Cooperation
Any Owner or Operator Shall notify the County when it becomes aware that the OEPA or any other local, state or federal government entity is investigating the Use or Spill, leak or discharge of salt or a Regulated Substance within twenty-four (24) hours of receiving notice or becoming aware of such investigation. Any Owner or Operator Shall cooperate with such investigation.

1011.05. Falsifying information
No Person Shall make any false statement, representation, or Certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or falsify, tamper with, or render inaccurate any monitoring device or method required under this Chapter.

1011.06. Retention of records
Any reports or records compiled or submitted pursuant to this Section Shall be maintained by the User for a minimum of six (6) years or so long as enforcement or judicial proceedings are being pursued, whichever is longer.

1012 PUBLIC WATER SUPPLY PROTECTION.

1012.01 If any activity or Use of any substance poses a risk to or May have a deleterious effect directly or indirectly upon the public water supply or Wellheads or when deemed by the County to be in the best interest of managing the "water utility, the County is authorized to do any or all of the following:

- A. Require Pollution or contaminant control and abatement;
- B. Require payment to cover the Cost of monitoring, controlling or otherwise removing any such pollutant, contaminant or obstruction;
- C. Require the development of compliance schedules to implement

corrective actions;

- E. Require the installation of monitoring facilities, and the submission of reports sufficient to ascertain any threat or risk due to any Regulated Substance, pollutants or contaminants or other activities and to determine compliance status relative to this Chapter;
- F. Carry out inspection, surveillance and monitoring on public or private property sufficient to determine compliance with this Chapter;
- G. Pursue any actions that are legally available such as, administrative remedies or enforcement actions including, but not limited to injunctive relief, and penalties as specified in Section 1099;
- H. Require a Person to pay the Costs of enforcement where a Person has been found to be in violation of this Chapter. These Costs May include, but are not limited to the recovery of all reasonable administrative and legal expenses related to the enforcement activity;
- I. Order cessation of any Use or activity which May create hazards or May have deleterious effects on the water supply or facilities;
- J. Issue orders establishing land Use restrictions or rates of discharge or otherwise controlling the Use of any Regulate Substance or pollutant to ensure compliance with this Chapter; or
- K. Order remedial actions.

1012.02 When considering the exercise of any of the above powers or actions, the County Shall ensure that the County's public water supply is reasonably and adequately protected from Contamination or obstruction for the present and the future. The County May take into consideration any evidence presented by the entity regarding cost-effectiveness and the economic impact imposed by the requirements or actions.

1012.03 No political subdivision Shall approve, grant or issue zoning or conditional Use permit for any land Use within a Wellhead Protection Area until prior written approval of the County has been obtained. The issuance of any permit, license or other instrument in violation of this paragraph Shall not relieve any Person from compliance with this Chapter.

1013 PUBLIC NOTICE AND APPEALS.

1013.01 The Board Shall have the authority to take appeals, investigate matters

related to said appeals, deny, uphold or otherwise modify or waive actions or requirements on a case by case basis.

- 1013.02 Any Person adversely affected May appeal an action of the County made pursuant to this Chapter by filing with the Board a notice of appeal within fourteen (14) Days of said action and a statement of appeal within thirty (30) Days of the date the action appealed from was Journalized. A notice of Appeal Shall include as a minimum: name; address; telephone number; date; and a statement of intent to appeal. A statement of appeal Shall include all information contained in the notice of appeal, a description of the nature of the appeal, and any pertinent documentation. All filings required herein Shall be made at the office of the County.
- 1013.03 The Board Shall conduct an adjudication hearing within forty-five (45) Days of the receipt of the statement of appeal. The Board Shall schedule an adjudication hearing and give public notice of this hearing and written notice to the parties involved at least fourteen Days in advance of the adjudication hearing. The Board Shall issue a written decision on the appeal within five (5) Days of the adjudication hearing. All interested parties, who submit requests in writing, will receive written notification of the decision of the Board.
- 1013.04 Only those parties adversely affected by the County's action Shall be parties to the adjudication hearing before the Board. The Board May require the parties to prepare briefs covering such matters as the Board May specify.
- 1013.05 A recording of the proceedings Shall be prepared and maintained by the County, with the Cost being charged to the non-prevailing party.
- 1013.06 The action of the County Shall be binding pending the decision of the Board.
- 1013.07 The decisions of the Board Shall be immediately appealable to the Clark County Court of Common Pleas, pursuant to R.C. Chapter 2506.
- 1013.08 For purposes of appeal pursuant to R.C. Chapter 2506, the County Shall be considered an aggrieved Person with the right to appeal the determination of the Board whenever the Board modifies or rescinds an action taken by the County pursuant to this Chapter.

1014 WAIVERS.

Where it appears that the implementation of the provisions of this Chapter create an undue burden upon any affected party, the County or the Board by majority vote May, in its sole discretion, waive the application of this Chapter upon such terms and condition as the County or Board deems necessary and appropriate to implement the purposes of this Chapter, as long as such waiver does not substantially increase any risk or hazard to the

public health, water supply, wells or Wellheads. Any waiver issued by the County is appealable to the Board as per Section 1013 herein.

1015 INSPECTIONS, SURVEYS.

1015.01 Subject to applicable provisions of law, the County or its authorized designees bearing proper identification, Shall be permitted to enter private property at any reasonable time for such purposes as, but not limited to, inspection, observation, measurement, sampling and records examination pertaining to the requirements of these regulations to ensure that the activities are in accordance with the provisions of this Chapter. If the Owner or occupant does not consent to the entry of the County or its authorized designees for the above stated purposes, the County May apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter the property, and the Owner or occupant Shall bear the Costs of the court action. All Users of Regulated Substances within the Wellhead Protection Area Shall be subject to a Potential Contaminant Source Inventory at intervals deemed appropriate by the County.

1015.02 In furtherance of its duty to protect the public health, safety and welfare of County Customers, the County May, at least once every two years, or more frequently at the County's discretion, conduct Potential Contaminant Source Inventories of properties within its Wellhead Protection Areas and to ensure compliance with this Chapter. In response to such Inventories, the Owner or occupant Shall furnish information on activity within the County's Wellhead Protection Areas, including, but not limited to the Use of Regulated Substances.

1015.03 Any golf course within County WHPA Shall, annually, file a report with the County regarding applications of substances on the golf course, regardless of whether such substances are Regulated Substances.

1016 FEES, CHARGES AND FINES.

Any fees and charges payable hereunder are due and payable upon the receipt of notice of charges.

1017 VANDALISM.

No Person Shall maliciously, willfully, or with gross negligence break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, property or equipment which is a part of or used in conjunction with the County 's water facilities, lines, or other appurtenances.

1018 NOTICE OF VIOLATION.

Any Person found in violation of any provision of this Chapter or any order, requirement, rule or regulation issued under the authority of this Chapter will be served with a written notice stating the nature of the violation, the potential penalties pursuant to this

Chapter, and providing reasonable time for compliance. If the County has previously promulgated a schedule of compliance or issued an order addressing the same or a similar violation and the time for compliance has passed, the County May dispense with establishing another time period for compliance. The notice Shall be served in the manner provided by law for the Service of civil process. Where the address of the violator is unknown, Service May be made upon the Owner of the property involved at the tax mailing address of the Owner as shown on the County tax record.

1019 SEVERABILITY.

A finding by any court or other jurisdiction that any part or provision of these regulations is invalid Shall not affect the validity of any other part or provision of these regulations which can be given effect without the invalid parts or provisions.

1020 NO DELETERIOUS EFFECT ON COUNTY WATER WELLS

1020.01 Certain activities and Uses of the groundwater supply May have a deleterious effect upon the County's water resource projects and interfere with the accomplishment of the County's purposes. Such deleterious effects May impair the functionality of the County's water well facilities, or impair the ability to achieve the best results from such projects or to produce adequate amounts of water for distribution to and consumption by the public. Certain activities May also cause damage to County projects or to the waters of the state, or cause the unnecessary Waste of the County's water supply. Therefore, this section 1020 and its subsections are necessary to protect and preserve the water resource projects of the County, including its production water well facilities and to prevent the misuse of the waters of the state by prescribing the permissible uses of the water supply and the manner of its distribution and also to prevent the Pollution or unnecessary Waste of such water supply.

1020.02 All Persons, Users, Owners or renters of property, or Owners or Operators of a business, are prohibited from all Uses or distribution of the County's water supply and any other actions which, in the sole judgment of the County, would, or, in fact, do, result in any one or more of the following:

- A. The inability of the County to accomplish its purposes;
- B. The inability of the County's water resource projects, including its water production wells, to function properly and to produce the best results from the construction, operation and maintenance of such projects;
- C. Damage, due to misuse of any County project or due to the Pollution or misuse of the waters of the state within or without the County and served or affected by a project or projects of the

County;

- D. Damage or other deleterious effect upon either (i) one or more County water resource projects, including, but not limited to, lowering the groundwater pumping levels in County wells; causing the inability to properly pump water from the wells; or causing the transmitting capacity of the well screens to be diminished; or (ii) the waters of the state or (iii) the County's water supply, including its water source supply and treated Potable water supply; or,
- E. The Pollution or unnecessary Waste of the County's water supply, including its water source supply and treated Potable water supply.

1021-1098 RESERVED.

1099 REMEDIES.

- 1099.01 Any Person who negligently violates or continues to negligently violate any provision of this chapter, beyond the time limit for compliance set forth by the County, notice of violation by the County, or a compliance schedule established by the County, Shall be deemed in violation of these Regulations and May be subject to termination of water Service and disconnection from the System until such violation is cured, or to such other remedies available under the law, including actions at law.
- 1099.02 Notwithstanding the fine provisions of this Chapter, the violator is responsible for Costs of cleanup and remedial expenditures required to restore the site to its condition as it existed before the violation. The violator May be held responsible only for that Contamination which the violator caused. Nothing contained herein Shall be construed to prevent the County from seeking other legal remedies under applicable law, and under Section 199 herein.

APPENDIX C

COUNTY WELLHEAD PROTECTION AREA MAPS

DRAFT 10-2017

CLARK COUNTY
WATER AND SEWER REGULATIONS

CHAPTER 11
INDUSTRIAL PRETREATMENT

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| 1101. Purpose. | 1109. Pretreatment Costs. |
| 1102. Scope. | 1110. Pretreatment Reporting. |
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| 1107. Regulated Nonresidential Discharges | 1099. Remedies. |
| 1108. Pretreatment Interceptors and Facilities | |

1101. PURPOSE.

To regulate the types and characteristics of Sewage, Industrial Wastes and other matter for which Shall be discharged into the Sanitary Sewage System, the types and characteristics of Sewage and Industrial Wastes admissible to the System only after Pretreatment, requisites for Pretreatment, and otherwise govern the discharge of Sewage, Industrial Wastes and other matter into the System in this interest of safety and efficient operation of the Waste Water treatment facilities owned and operated by the County.

1102. SCOPE.

To establish the criteria and requisites for Users of the County System who are required to use Pretreatment before discharging Sewage into the County System.

1103. GOVERNING REGULATIONS.

Where there appears to be, or there is in fact, a conflict between this chapter and CHAPTER I, GENERAL PROVISIONS, the chapter providing the more stringent requirement, standard, or procedure Shall govern.

1104. DEFINITIONS.

The definitions of CHAPTER I Shall be used in this chapter unless the context of any section of this Chapter specifically indicates that such definitions are not applicable

1105. PROHIBITED NONRESIDENTIAL DISCHARGES

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| 1105.01 | It Shall be unlawful for any nonresidential User to discharge, without a permit, to any natural outlet within any area under the jurisdiction of the County, any wastewater except as authorized by the County in accordance with these Regulations. |
| 1105.02 | In cases where the characteristics of sewage or industrial waste from any manufacturing or industrial plant, building, or premises in such that it will damage the sewer system or cannot be treated satisfactorily at the |

wastewater treatment plant, the County Shall compel such Users to dispose of such waste and prevent it from entering the sewer system.

1106. NEW INDUSTRIAL USERS

Proposed new significant major industries and other industrial Users Shall apply for, obtain, and maintain an Indirect Discharge Permit from Ohio EPA (reference 3745-36-03 Ohio Administrative Code), in the form prescribed by the Ohio EPA with a fee set in accordance with the Ohio EPA.

1107. REGULATED NONRESIDENTIAL DISCHARGES

In cases where the character of sewage or Industrial Waste from any manufacturing or industrial plant, building or premises shows excessive flow rates or concentration of pollutants, such that it imposes an unreasonable burden upon the sewage collection, pumping or treatment works greater than that imposed by the average sewage entering the sewage system, the County May:

- A. Require such manufacturing or industrial plant, building or premises to pretreat such sewage in such a manner as specified by the County before discharging it into the sewage system;
- B. Require flow control or equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works;
- C. Require payment of a surcharge on any loading discharged to the treatment works to cover the additional costs of treating such wastes; and/or
- D. Require payment of a capacity charge on any excessive flows discharges to the treatment works to cover the additional costs of having capacity for such wastes

1108. PRETREATMENT INTERCEPTORS AND FACILITIES

- 1108.01 If pretreatment or equalization of wastes flows is required by the County, the design of the facilities required Shall be subject to County approval as well as applicable regulations and laws. Any entity desiring to install pretreatment facilities Shall obtain a permit to install such facilities from the Ohio EPA. Where preliminary treatment or flow equalization facilities are provided, such facilities Shall be maintained in proper operation by the Owner.
- 1108.02 All food establishments which maintain a kitchen, or other facilities for the preparation of food, May be required by the County to have a grease interceptor of sufficient capacity, except such interceptor Shall not be required for private residential dwellings.
- 1108.03 Other nonresidential users May be required by the County install grease, oil, sand, and grit interceptors of sufficient capacity if, in the opinion of the County, they are necessary to protect the sewage system or for

proper handling of liquid wastes containing such harmful substances.

- 1108.04 All interceptors Shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They Shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, Shall be gastight and watertight as approved by the County. All interceptors Shall be located as to be readily accessible for cleaning and inspection.

1109. PRETREATMENT COSTS

Any pretreatment facilities or flow-equalizing facilities required by the County Shall be constructed, owned, maintained, repaired and replaced at the cost of the Owner. Prior to construction of such facilities, the Owner Shall submit and receive the County's approval of detail design plans for the facilities. Thereafter, such facilities Shall be maintained continuously in satisfactory operation at the cost of the Owner.

1110. PRETREATMENT REPORTING

- 1110.01 Industrial dischargers regulated by the National Categorical Pretreatment Standards Shall submit a compliance reports to the Ohio EPA as required by the Indirect Discharge Permit.
- 1110.02 Any industrial discharger Shall, if required by the County, submit to the County a quarterly report indicating the nature and concentration of all substances prohibited or regulated by the regulations or federal Categorical Pretreatment Standards that are contained in its discharge and the average and maximum daily flows.
- 1110.03 All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system Shall maintain such records of production and related factors, effluent flows, and pollutants that are necessary to demonstrate compliance with the requirements of any applicable state or federal pretreatment standards for requirements.
- 1110.04 Such records Shall be made available upon request by the County or Ohio EPA. All such records relating to compliance with pretreatment standards Shall be made available to officials of the U.S. Environmental Protection Agency.
- 1110.05 All dischargers subject to these Regulations Shall retain for no less than three (3) years any records, documents, reports and correspondence and any summaries thereof, relating to monitoring, sampling and analysis made by or for the discharger in connection with its discharge. All records which pertain to matters subject to administrative adjustments or other enforcement of litigation activities brought by the County pursuant hereto Shall be retained by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any

appeals have expired.

- 1110.06 In the event any substance or waste, the discharge of which is prohibited by Section 205 of these Regulations, is discharged to the sewage system, the person responsible for the discharge Shall notify the County and Ohio EPA immediately so that remedial action can be taken. All cost to correct any damage resulting from the discharge Shall be charged to the person responsible for the discharge. Each such discharge Shall be considered separately and costs Shall be levied accordingly. Failure to report such discharge or to take corrective measures necessary to prevent a subsequent non-complying discharge after being notified by the County to do so and being given a reasonable time in which to take such measures, Shall result in the sewer through which the discharge enters the public sewer being disconnected. Said sewer will not be reconnected until, in the opinion of the County, proper corrective measures have been implemented.

1111. PRETREATMENT MONITORING

- 1111.01 Each nonresidential user May be required to construct and maintain one or more control manholes, access points, or measuring devices to facilitate observation, measurement, and sampling of the wastes including domestic sewage.
- 1111.02 When required by the County, control manholes, access facilities, or any necessary meters Shall be located and built in a manner acceptable to the County. If measuring devices are to be permanently installed, they Shall be of a type acceptable to the County and Ohio EPA. Plans for the installation of the control manholes or access facilities and related equipment Shall be approved by the County and Ohio EPA prior to the beginning of construction. The structures and facilities Shall be installed by the Owner at their expense and maintained by the Owner so as to be safe and accessible at all times.
- 1111.03 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these Regulations Shall be determined in accordance with the latest edition of Standard Methods and in accordance with 40 C.F.R. Part 136 entitled "Guidelines Establishing Test Procedures for Analysis of Pollutants," and Shall be determined at the control manhole provided or upon suitable samples taken at such control manhole.
- 1111.04 In the event that no special manhole has been required, the control manhole Shall be considered to be the nearest downstream manhole at which the building sewer is connected to the public sewage system.
- 1111.05 Sampling Shall be carried out by customarily accepted methods to reflect

the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample should be taken. Normally, but not always, BOD and suspended solids (SS) analyses are obtained from twenty-four (24) hour composited of all outfalls, where pHs are determined from periodic grab samples.

- 1111.06 If necessary, the County Shall have the right to enter and set up, on the nonresidential users property, such devices as are necessary to conduct a gauging and sampling operation and to begin such operation without advance notice to the owner. While performing work, the County's personnel will observe all safety rules applicable to the premises, established by the property owner.

1112. ACCIDENTAL DISCHARGES

- 1112.01 No statement contained in this section Shall be construed as preventing any special agreement or arrangement between the County and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the County for treatment, subject to payment thereof by the industrial concern in proportion to cost and consistent with the user charge system.
- 1112.02 Each User May be required to provide protection from accidental discharge of prohibited materials or other wastes by this Regulation. Facilities to prevent accidental discharge of prohibited materials Shall be provided and maintained at the cost of the Owner. Detailed plans showing facilities and operating procedures to provide such protection Shall be submitted for review by the County, and approved by the County before construction of the facility. Review and approval of such plans and operating procedures Shall not relieve the nonresidential user from the responsibility to modify the facility as necessary to meet the requirements contained in this Regulation.
- 1112.03 If, for any reason, a User does not comply with or will be unable to comply with any prohibition or limitation herein, the User Shall immediately notify the County that corrective action May need to be taken to protect the treatment plant. In addition, a written report addressed to the County detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges, Shall be filed by the User within five (5) days of the occurrence of the noncomplying discharge.

1113. REVOCATION AND SUSPENSION OF SERVICE

1113.01 Whenever the County finds that any discharger has engaged in conduct which justifies revocation of a discharge permit or suspension of service, the County Shall serve upon such discharger, written notice, either personally or by certified mail, stating the nature of the violation. Within ten (10) days of receipt of the notice, the discharger Shall respond personally or in writing advising of its position with respect to the allegations. The parties Shall then meet to ascertain the veracity of the allegations and, if necessary, establish a plan for correction, thereof.

1113.02 Notwithstanding the provisions of Paragraph 1 above, the County May, for good cause, immediately suspend the treatment services of discharger when it appears than an actual or threatened discharge presents an imminent danger to the public health and welfare, substantial danger to the environment, interference with operation of the wastewater treatment plant, or violates any pretreatment limits proposed by these Regulations or any discharge permit issues pursuant to the Regulations. Any discharger notified of the suspension of service Shall, within a reasonable period of time, as determined by the County, cease all discharges. If the discharger fails to comply voluntarily with the suspension order, the County Shall disconnect service lines from the sewer system and commence judicial proceedings to compel the discharger's compliance. The County Shall reinstate the discharger's service and terminate judicial proceedings upon proof of elimination of the non-complying discharge creating the threat of imminent or substantial danger as set forth above.

1113.03 The County May request that Ohio EPA revoke a permit and/or disconnect the service of any discharger which:

- A. Fails to report constituents and characteristics of its discharge in any required report to Ohio EPA;
- B. Fails to report significant changes in discharge constituents or characteristics;
- C. Refuses reasonable access to the discharger's premises by representatives of the County or Ohio EPA for inspection or monitoring; or
- D. Violates the conditions of its permit application or contract, or these Regulations.
- E.

1114-1198. RESERVED.

1199. REMEDIES.

Whoever violates any provision of this Chapter or County directive pursuant to this Chapter Shall be subject to the remedies of Section 199 of these Regulations.

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CLARK COUNTY
WATER AND SEWER REGULATIONS

CHAPTER 12
ADMINISTRATIVE FORMS

- 1201. Backflow Information Acknowledgement and Release
- 1202. Tap Permit Application/Tap Permit Contractor License
- 1203. Owner Service Agreement
- 1204. Tenant Service Agreement
- 1205. ACH Electronic Payment Authorization
- 1206. Hardship Policy and Application
- 1207. Water/Sewer Bill Adjustment Policy and Application.

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